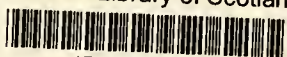




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# THE HOUSE OF SETON

A STUDY OF LOST CAUSES

BY

SIR BRUCE GORDON SETON, B.T., C.B.

VOLUME II


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CONTENTS (Continued).

CADETS (Continued).

				<u>Page.</u>
CHAP.	XIII.	The Seton-Gordons ...	...	371
	XIV.	Setons of Touch ...	...	392
	XV.	Setons of Abercorn ...	...	497
	XVI.	Setons of Preston and Ekolsund ...	...	581
	XVII.	Setons of Meldrum ...	...	587
	XVIII.	Setons of Pitmedden ...	...	602
	XIX.	Setons of Mounie ...	...	617

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## CHAPTER XIII.

### THE "SETON-GORDONS"

Of the cadet branches of the family of Seton by far the most important, and the largest, is that which, only two generations after its emergence from the parent stem, dropped the patronymic and assumed the surname of the heiress of Gordon.

In so far as the history of Scotland is concerned, this family of "Seton-Gordons", i.e. the Gordons who originated from the Setons, was a more consistently important factor in the affairs of State than the main line, from the early 15th Century onwards.

To their undoubted success many factors contributed.

When Alexander de Seton, second son of Sir William de Seton, married in 1408 Elizabeth de Gordon he became through her, and her maternal relations, the possessor of large properties. He found himself at once in the position of one of the great land owners in the North; and he and his successors were particularly skilful in "birsing yont" their boundaries.

Geographically, too, they were favoured in their remoteness from the Borders and escaped the English invasions which were the nightmare of the great families in the South. It is true that, when they migrated North from the ancestral estates in Berwickshire, they found themselves in an Enclave of Clans who had no affection for them and lost no opportunity of doing them injury; but their superior organisation and military training made the Seton-Gordons, and their successors the northern Gordons, bad enemies; and what they had they held.

They also, generation after generation, showed a remarkable flair for successful marriages; their alliances with the Stewart Kings would have been enough to explain their success, even if their own qualities had not been what they were.

If they inherited their estates from their women, and their political position largely from their Royal connexions, they inherited from their Seton ancestors certain qualities which characterised that family; and, for three centuries, they stood for ideals, political and religious, many of which were coming to be or were already recognised as Lost Causes. In successive generations they suffered, in their persons and their properties, because they did not take the line of least resistance and bow to the will of the majority which is universally regarded as right.

Nevertheless, in spite of temporary eclipses of fortune, attainder, forfeiture, and imprisonment, and in spite of the intense jealousy of their neighbours they "birsed yont"; and, without them, the history of Scotland would perhaps have been comparatively tame.

It is impossible however to introduce a history of the Gordons into this work. All that can be done is to consider the union of the Setons and Gordons in 1408, and of the two succeeding generations, when they were still Setons.

THE EARLY GORDONS.

Tradition takes the family, in Scotland, back to the time of Malcolm "Ceanmor" who was killed at Alnwick in 1093. Whether they took their name from the Berwickshire lands or whether they gave it to the lands can not now be stated. As a surname, Gordon does not appear before 1171, and was probably assumed by the then owners of the lands, which were held of the Earls of Dunbar (1). The coincidence of the identity of their arms and of those of the older family of Swinton of that ilk is so remarkable, that they may well have sprung from the latter.

Leaving aside the early members of the family we get to a historical basis with Sir Adam Gordon who did homage to Edward I. at Elgin on 28 July 1296 (2) and was later a Warden of the East March. At that time he was an adherent of the English and held the office of Justiciary of Lothian from 1305-1312. In the following year, however, he transferred his allegiance to Robert Bruce, and, as Barbour says, "was becummyne a Scottis man". The cause of this change of policy was the fact that Sir Adam had been unjustly imprisoned by an English commander and fined 1000 merks, and could get no redress from Edward II. (3).

In 1320 he was one of the two Ambassadors from Scotland carrying to Pope John the letter dated 6 April 1320 from the Scots Parliament, and, on his return, received a grant of the barony of Strathbogie which had been declared forfeited, at the Parliament of Scone in December 1319, from David Strathbolgi, Earl of Athol. This grant was of great importance as it established Sir Adam and his successors, in the North.

Sir Adam probably died before 1329, and his grandson John Gordon had a confirmation of the grant of Strathbogie from David II. dated 20 March 1357/58. John died before February 1360/61.

1. Scots Peerage IV 506, 507.
2. Calendar Docs. Scotland II 195.
3.       ib               .   ib       III 337.



This John Gordon had two sons, Sir John and Sir Adam. Sir John, who was engaged most of his life in fighting the English, was knighted about 1390. He was present at Otterburn, and died after 1391 but before 1395, when he was succeeded by Sir Adam Gordon. According to the Scots Peerage:

"When the Earl of March in 1400 passed to the service of King Henry IV. and his Scottish estates were forfeited, Gordon was granted the superiority of his lands of Gordon and Fogo, and thus attained baronial rank. He is styled Lord of Gordon among the barons in the English accounts of the battle of Homildon, and Sir (1) Adam Gordon, Knight, in writs of a later date.

Sir Adam was killed in the action at Homildon Hill on 14th September 1402.

He married, in or about 1380, Elizabeth Keith, fourth daughter of Sir William Keith, Marischal of Scotland, by his wife Margaret Fraser, granddaughter and heiress of Sir Alexander Fraser. By this marriage there were two children, John and Elizabeth.

John Gordon succeeded his father on 14th September 1402. He married Agnes Douglas, daughter of James Douglas, Lord of Dalkeith, but had no issue by her, and himself died before 7th March 1407/8; the succession then opened to his sister Elizabeth.

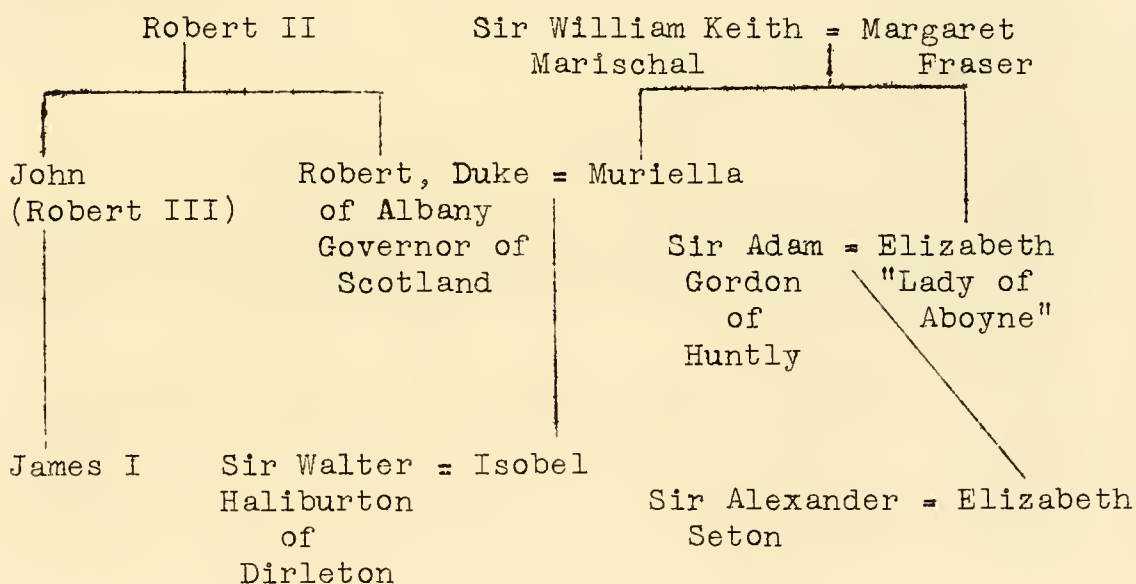
1. Scots Peerage IV 517.



ELIZABETH GORDON.

In accordance with feudal custom, she being at the time of her father's death at Homildon Hill in 1402 a minor, the gift of Elizabeth's "ward and marriage" was in the hands of the crown. Her uncle by marriage, Robert, Duke of Albany, was Guardian of the Kingdom, and it is generally stated that he granted the wardship to Walter Haliburton of Dirleton.

The relationship of the parties concerned was as shown in the following Table:



Sir Walter Haliburton, in his turn, sold the "casualties" on 27th March 1408, for an annual payment of fifty merks during his own life time, to Sir William de Sètoune<sup>1</sup>. who thus became Elizabeth's guardian.

There may, however, have been another step in these transactions, as there is a Charter by Robert III. dated "2nd February in the 14th year of our Reign" i.e. 1404, granting the wardship of Elizabeth to Walter de Buchanan.<sup>2</sup>

In 1408, however, Elizabeth was certainly the ward of Sir William Seton of that ilk; up till that time she was probably a negligible quantity, as her brother John was alive and was married, and her prospects were not bright. But this changed in or about March 1408 when her brother John died without issue, and Elizabeth became the possessor of the Gordon estates.

According to Maitland, the Chronicler of the Seton family, Sir William wished to bestow his ward on his eldest son John; but the latter had made other matrimonial arrangements for himself, and declined the offer.

Sir William then gave her in marriage to his second son Alexander in July 1408, within a few months of her brother's death.

Elizabeth and her husband were within the fourth degree of consanguinity and had to obtain a dispensation for their marriage; many years later it was discovered that there was a still nearer degree of propinquity between them, - the third degree - and a fresh

1. Reg. Mag. Sig. folio Vol. 232. No. 25; Scots Peerage VIII. 518.

2. Harleian MSS. 4693 fol. 9b.

dispensation was obtained on 15th December 1429 from Henry, Bishop of St. Andrews.(1).

On her brother's death Elizabeth de Gordon inherited not only the Gordon and Huntly estates in Berwickshire but the Comyn lands of Strathbogie which had been granted to her great grandfather Sir Adam de Gordon in 1319, after the forfeiture of their owner David de Strathbogie Earl of Athol by Robert Bruce in 1314. Upon her marriage she resigned the whole of her lands before the Parliament in Perth and upon 20th July 1408, she and her husband had a Charter from the Regent Albany granting them:

"all and whole the lands and baronies of Gordon and Huntly lying within the Sheriffdom of Berwick; the lands of Fogo and Faunes, with their pertinents; the lands of Strathbogie and Beldygordon with the pertinents in Aberdeenshire; to be held by the said Alexander and Elizabeth and their heirs lawfully procreated; whom failing, the true and lawful heirs of the said Elizabeth whomsoever; Rendering the services used and wont".(2).

The chief line of the Gordons thus merged in the family of Seton, and for the first two generations retained the patronymic. It was only later, towards the end of his life, that Alexander Seton Earl of Huntly adopted his mother's name of Gordon for himself and the offspring of his second marriage.

Elizabeth de Gordon's mother, Elizabeth daughter of Margaret Fraser and Sir William Keith, married again twice after the death of her first husband Sir Adam de Gordon. She inherited from her mother the

1. Riddell: Peerage Laws 1. 222. 477; Stewartiana 29.

2. Reg. Mag. Sig. 235 of 20. 7. 1408.

old Fraser lands of Aboyne and Cluny, Glenmuick and Glentanar in Aberdeenshire. When Elizabeth Keith died, about 1436, these lands passed to her daughter Elizabeth de Gordon; and there is a record of the fact that in 1437 Alexander was uplifting the rents.<sup>(1)</sup> In this manner these Deeside estates passed from the Frasers, through the Gordon heiress, to the Setons who became Earls of Huntly.

Elizabeth de Gordon predeceased her husband on 16 March 1438/9 and was buried in St. Nicholas Church, Aberdeen.

Little is known about her, but she is said to have been "a judicious wiffie and a prudent woman." She certainly exercised a most powerful influence on her husband's career when she married him; for it was entirely due to her possession of Strathbogie and to her expectations, subsequently realised, of inheriting her mother's Fraser estates, that Alexander de Seton left the South of Scotland, and, settling permanently in the North, set to work to establish a Clan. He and his successors were regarded as "incomers", who had dispossessed the rightful owners of their estates; but this consideration did not prevent them from rapidly extending their possessions on all sides, and of justifying the title of "Cock of the North."

1. Exchequer Rolls. v-9; Charters of Aboyne 376, 377.

SIR ALEXANDER de SETOUN, DOMINUS de GORDON. 1.  
circa 1388-1440.

Sir Alexander "primus" was second son of Sir William de Setoune, who was probably grandson of the defender of Berwick. According to Sir Richard Maitland his mother was Katherine de Sanct Clar (or Sinclair) of Herdmanston; this is a mistake, as that lady married Sir William's eldest son John. Alexander's mother was Jonet, daughter of Sir David Fleming of Biggar, and the date of his birth was about 1388.

The earliest reference to him in the records of his time is in Wyntoun's "Cronykil", in which it is stated he was taken prisoner by English pirates in 1405/6 at the same time as James I.<sup>(1)</sup> This happened on 22 March, the occasion being the young King's attempted journey to France. Alexander was certainly released before 13 July 1406 when he had a safe conduct to return to Scotland.<sup>(2)</sup> The allegation which has been brought against him that he was responsible for the murder of his grandfather Sir David Fleming is unfounded, as that incident occurred when Sir David was on his way back to Cavers in Roxburghshire, after seeing the King off at North Berwick.

By his fortunate marriage to Elizabeth de Gordon in 1408 Alexander escaped the straitened circumstances which are often the lot of a younger son. A man of abounding energy, he made the most of his opportunities, and took an active part in the affairs of the day; while his personal friendship with his wife's uncle by marriage Robert, Duke of Albany, Guardian of the Kingdom, stood him in good stead. From the time of the grant to him and his wife conjunctly on 20th July 1408 of the Gordon estates in the North as well as the South, he identified himself with the troubled politics of the Highlands, and, as "Dominus de Gordon", the style by which he was known after his marriage, he rapidly consolidated the position of himself and his family.

1. Wyntoun: Cronykil of Scotland. (Laing) Book IX 2700.

2. Rotuli Scotiae II. 179.



In 1411 Donald of the Isles laid claim to the Earldom of Ross, in right of his wife Margaret; the Regent, Albany, rejected the claim, and Donald took up arms. There resulted on 20th June the Battle of Harlaw, in which Alexander Seton commanded the rearguard of Albany's army, and was severely wounded. He may have been knighted on this occasion, but was certainly a knight before 1419.<sup>(1)</sup>

In 1419 came the call by France for Scottish help against the common enemy England. The following year John Stewart Earl of Buchan, eldest son of the Regent Albany and Muriella Keith, went to the help of Charles VII. with 7000 Scots; Sir Alexander Seton, whose wife was Buchan's cousin, went out with forty lances and a hundred horse<sup>(2)</sup>, and took part in the victory of Baugé on 22 March 1421. He was not present at the disaster of Verneuil in 1424, as he had a safe conduct home in April 1422.<sup>(3)</sup> While in France, however, he visited King James who was there, a prisoner of the English King.

When Henry V. landed in France in 1421 with his prisoner the young King of Scots Sir Alexander must have kept in touch with him, as James employed him on secret missions to Scotland to ascertain the state of public opinion there. On these occasions, in October 1421, April 1422 and February 1423 he had safe conducts<sup>(4)</sup>; and this, no doubt, greatly strengthened his position at Court when the King returned to Scotland.

In 1423 Sir Alexander was one of the Commissioners appointed to treat for the King's release, and was sent

1. Scots Peerage VII 242, 243.

2. Rotuli Scotiae II 230; Rymer: Foedera X 307.

3. Records of Aboyne 371.

4. Rotuli Scotiae II 230. 232. 235.

to meet him at Durham. He was also one of the first hostages for him, and was detained in Pontefract and the Tower of London for a year, until 28th February 1424/25 when he was exchanged. He was also one of the guarantors of the ransom demanded by England to the extent of 400 merks, which represented the whole of his annual income.<sup>(1)</sup>

In the early years of the reign of King James I., between 1425 and 1436, Sir Alexander was frequently sent to England on embassies.

The King, on returning to Scotland, introduced various constitutional changes, based on English practice. In particular he added to the old territorial Peerage men whose dignities were personal, though also descendible to their heirs. These dignities were in existence very soon after the King's return, and they came to be called "Lords of Parliament". The National Records, defective as they were, show<sup>(2)</sup> that in a Parliament held at Perth on 10th March 1429/30 the Domini de Abercorn, de Dalkeith, de Erskine, de Lochaw, de Gordon, de Dirleton, de Somerville, and de Montgomery, sat as Lords of Parliament. As all these eventually rose in the Peerage and have been accepted as Peers it seems inconceivable that an exception should be made in the case of the "Dominus de Gordon"; yet as is shown below in the section dealing with the Gordon Peerage case, the Committee for Privileges decided that there was no proof of the existence of a Gordon Peerage at this time.

In later documents he is styled "Dominus Gordon", "Lord of Gordon" and "Lord Gordon."

The actual date of the creation is not known, but was probably 1424 when, as Sir Robert Douglas wrote:

1. Rotuli Scotiae II 242, 246, 254; Cal. of Docs. Scotland  
IV 942, 981, 983.  
2. Statuta Jacobi I. MS. Sass XV. fol. 21 No. 167.

Sir Thomas Somerville of Carnwath "was called to Parliament by His Majesty as a Lord Baron, along with five others that had been hostages for his ransom, most of whom are either arrived at higher dignities or are extinct."

Of course Sir Alexander had already possessed the territorial designation of Dominus de Gordon since his marriage to the Gordon heiress.

After the murder of James I. at Perth in 1437, Lord Gordon was one of the Commissioners sent to draw up the terms of a truce with England for a period of nine years. When this was effected he became one of its Conservators.<sup>1</sup>

During his later life he began to lay the foundations of the important position occupied by his descendants in the North of Scotland. In 1436 his wife inherited from her mother the lands of Aboyne, Cluny, Glenmuick, and Glentanar, which greatly enlarged his territories.

He died before April 1441.

By his marriage with Elizabeth de Gordon he had issue:

1. Alexander II who was subsequently created Earl of Huntly.

2. William, married Elizabeth heiress of Meldrum of that ilk, and founded the now extinct branch of Seton of Meldrum, from which arose the existing branches of Pitmedden and Mounie. This William was killed at the battle of Brechin on 18th May 1452.

3. Henry, was also killed at Brechin.

4. Elizabeth, married as his first wife Alexander Lord of the Isles, Earl of Ross. Their son John, after a life full of incidents, involving fighting his own cousin the Earl of Huntly and being forfeited, was, in 1476 created a Lord of Parliament, with the title of Lord of the Isles.<sup>2</sup>

1. Foedera X. p. 683; Calendar of Documents, Scotland IV 145;

Rotuli II 302, 305-310.

2. Scots Peerage U. 44.



SIR ALEXANDER SETON II., 2nd LORD GORDON, EARL of HUNTLY.  
1409-1470.

Sir Alexander, secundus, succeeded his father before April 1441.

During his father's lifetime he was frequently termed "Magister" or "Master" of Gordon, that being the designation of an heir of a Scots Peer. For example when he was sent on an embassy to France in 1435 the chronicler describes him as "Magister de Gordon who afterwards became Earl of Huntly"<sup>(1)</sup>; in an instrument of sasine of 14th October 1437 he styles himself "Alexander of Cetone, maister of Gordone",<sup>(2)</sup> and, on 26th February 1439, he is witness to a charter by the Earl of Crawford and is styled "Dominus Alexander de Setoun, Magister de Gordon."<sup>(3)</sup>

After his father's death however he appears as Lord Gordon, and Lord of Gordon. Thus, in a manuscript in the British Museum, written before 1457, at the end of a list of the Earls of Scotland appears the following

"In the same year 1445 the Lord of Gordon was created Earl of Huntly."

As is shown elsewhere the English members of the Committee for Privileges refused to accept that the title "Master" had any significance, or that the title of Dominus was anything but a feudal lordship of certain lands.

On 3rd April 1441 Lord Gordon was in possession of the estates, as on that day he resigned them into the King's hand and received a charter of regrant to himself and Elizabeth Crichton his second wife of the lordships of Gordon in Berwickshire and Strathbogie in Aberdeenshire, the lands of Aboyne, Glentamar and Glenmuick, and the lands of Panbride in Angus, to be possessed by himself in liferent and by George Seton the eldest son

1. Scotichronicon (Fordun) II. 485; Reg. Mag. Sig. III 176.

2. Touch Charters T p. 5.

A-2

3. Reg. Mag. Sig. III. 138.

of the second marriage in fee.<sup>(1)</sup>

In addition to these Gordon and Keith lands his divorced wife Egidia Hay granted him, on 26 Nov. 1438, for his lifetime all her lands of the barony of Tullibody in Clackmannan, the barony of Kilsaurle; and the lands of the forest of Enzie and Boyne in Banff.<sup>(2)</sup>

In October 1442 Alexander Earl of Ross, his brother in law, granted him for life the barony of Kin-edward.<sup>(3)</sup>

In or about 1445 Lord Gordon was created Earl of Huntly. It appears probable that the fountain of honour in this case was Chancellor Crichton. The rivalry of the latter and the Douglas and Crawford families was at this time one of the dominant features of the political situation, and Huntly was inevitably drawn into the feud by his unscrupulous father-in-law.

Huntly and the Ogilvies met the Lindsays and the Master of Crawford at Arbroath on 23 January 1445/6 and were defeated; Huntly escaped, and for a time he took no active part in affairs, though he was constantly at Court.

In 1449 he again resigned his estates and had them regranted as the lands of the Earldom of Huntly.<sup>(4)</sup> In April 1451, as a reward for his services, he had a Royal Charter of the lordship of Badenoch and the Castle of Ruthven<sup>(5)</sup>; it is no doubt a coincidence that at the same time Huntly lent the King £100 for his household expenses.<sup>(6)</sup>

After the murder of Douglas by the King, with his own hand, in 1452 there was a fierce outbreak of hostilities, and Huntly was appointed Lieutenant General of the North. In this capacity on 18 May he met his

1. Acta Parliamenti Scot. II. 56, 57.
2. Records of Aboyne 381.
3. Scots Peerage IV. 522.
4. Exchequer Rolls V. 397.
5. Reg. Mag. Sig. IV. 139.
6. Exchequer Rolls V. 462-4.

former opponent "the Tiger Earl", the new Earl of Crawford, at Brechin, and routed him after a prolonged battle. In this action Huntly's brothers William of Meldrum and Henry were killed. During his absence from his estates Archibald Douglas Earl of Moray and Huntly's brother in law Alexander Earl of Ross devastated Strathbogie; but in 1454 he had again established himself in power, and the Douglas faction was overcome.

About 1457 Huntly changed his surname from Seton to Gordon. In a charter of 7 March 1457 to him and his son George the latter is styled George Seton, but on 15 March 1458 George and his brothers are styled "de Gordon." (1)

The King consistently regarded Huntly as one of his greatest subjects and rewarded him accordingly. One writer says that in one of the Charters of confirmation of his estates the cause for granting it is stated to have been

"For keeping the Crown upon our head" (2) and, after the 1454 operations against the Douglasses, James is said to have conferred on him the right to bear three lions' heads in his coat of arms, and to carry a "pencil" of four colours which was not then allowed to any of the other Scots peers. As regards the assumption in his coat of the lions of Badenoch this is correct; the other statements are not vouched for. But he certainly earned the title of "Cock of the North", which has been one of the proudest inheritances of succeeding generations.

In 1462 the town of Aberdeen entered into a bond of manrent with the Earl, which continued in force until the power of the Earls of Huntly was broken in the Wars of the Covenant.

That Alexander Seton's public life was of the greatest value to the State cannot be gainsaid. Of his private life this can not be said. His marriages

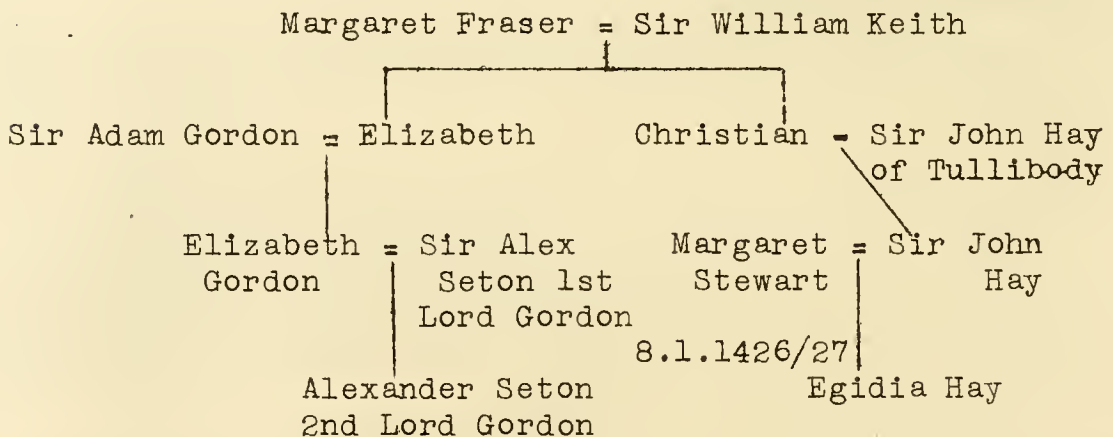
1. Records of Aboyne 391.

2. C. A. Gordon: House of Gordon 21.

certainly exercised a marked effect on his own career and on the careers of his successors, and it is necessary to consider them.

There are authorities who have stated that he first married Jean daughter of Sir Robert Keith; there is no evidence to support this. He first married, when about eighteen years of age, on or about 8 January 1426/27, Egidia daughter and heiress of Sir John Hay of Tullibody,<sup>1</sup> and with her he had a charter from James I of her estates comprising the barony of Tullibody; the forests of Boyne and Enzie, and the barony of Kilsaurle, (Culsawarty) in Banff, and Kinmundie in Aberdeenshire.<sup>2</sup> Egidia Hay was an orphan.

He and his wife had common great grandparents, viz. Sir William Keith, Marischal and Margaret Fraser, and were therefore within the prohibited degrees of consanguinity, as shown below:



On his own admission, he first obtained the necessary dispensation and then concealed the fact from his wife that he either needed or possessed it.<sup>3</sup>

Some time before 1436 he procured a dissolution of the marriage on the alleged grounds of canonical impediment and of a defect in the original dispensation.

1. Scots Peerage l. 15; Exchequer Rolls IV. Preface CLXVIII-CXCIII.

2. Reg. Mag. Sig. VII 226, 227; Touch Charters T p. 4.

A-1

3. Archiv Segret. Vatican Reg. Lateran 368. Lib. 116 folio 661.



This was done by the Ecclesiastical Court of Moray, the marriage being declared null and void. The actual documents unfortunately have not survived.

Before 18th March 1439, he went through a form of marriage with Elizabeth daughter of Sir William Crichton, a rising statesman, who had become Chancellor of Scotland.<sup>1</sup>

Meanwhile Egidia Hay, a lonely woman without any one to help her, had accepted the position, and had even gone so far as to give her late husband, on 26th November 1438, a charter of her original lands for his life time.<sup>2</sup> In this document she addressed him as her "beloved kinsman Sir Alexander Seton, Lord Gordon"

She died in 1440 or 1441, leaving an only son Alexander, from whom are descended the Setons of Touch, and Abercorn.

The rest of the story is dramatic. In a Papal Brieve to the Bishop of Moray, dated 13th August 1441, it is narrated that Sir Alexander Seton, Lord Gordon, had addressed the Pope "being pricked in his conscience" at having concealed the original dispensation to marry Egidia; that he had married Elizabeth Crichton after the dissolution of his marriage to Egidia; that Egidia was now dead, and that Elizabeth had neither compassed her death, nor was she aware of the previous marriage; and that they begged for a fresh dispensation, and for release from any sentence of excommunication which might perchance lie against them.

Meanwhile he and Elizabeth Crichton, by their bigamous relations, had already at least one child, George, afterwards second Earl of Huntly, who was necessarily a bastard, unless legitimated by the action proposed.

The Pope transferred the case to the Bishop of Moray for inquiry and necessary action; but there is no surviving record of what the Bishop did in the

1. Scots Peerage III. 58, 60.

2. Records of Aboyme 394.

matter.

The obvious result of Sir Alexander's actions throughout was to suggest that his wife Egidia had lived with him in a state of adultery, owing to the canonical impediment to her marriage, and that their son Alexander Seton, "tertius", was a bastard. At the same time Sir Alexander admitted he had been living bigamously with Elizabeth Crichton and had produced a son by her who required legitimation.

This sordid business accounts for the fact that that son was, to all intents and purposes, disinherited. He got only a small portion of his mother's estates, and was deliberately excluded from the succession to the Earldom conferred on his father. (See Sir Alexander Seton, first of Touch, below).

The Earl of Huntly, having changed his surname from Seton to Gordon, also changed the name "Strath-bogie", his principal seat, to Huntly. And there he died on 15th July 1470, and was buried in Elgin Cathedral.

By his first wife, Egidia Hay, he had one son Sir Alexander Seton (tertius) "of Tullibody".

By his second wife, Elizabeth Crichton, he had a large family; but it is only necessary to mention here:

George Seton, later Gordon, 2nd Earl of Huntly.

GEORGE SETON (or GORDON) 2nd EARL of HUNTLY.  
1439(?) - 1501.

George Seton may be properly regarded as one of the Seton Gordons, as, until about 1457, he retained the patronymic. Soon after March 1457, however, his father changed the family surname; and for the purpose of this work George was the last of that early branch of the family.

During his life time he had many styles. In 1441 he was George de Seton; in 1455, when he married Elizabeth Dunbar Countess of Moray, he is styled George, Master of Huntly, Knight;<sup>(1)</sup> in 1458 George de Gordoune; in 1459/60 George Lord Gordon; in 1462/63 Magister Huntly, or de Huntly; in 1465 George Lord Gordon and Master of Huntly; and, in 1469, George Lord "the Gordon."

In 1465, before his father's death, he was holding the whole of the Huntly estates in fee, including those of Egidia Hay Huntly's first wife.

He succeeded to the Earldom in 1470 and most nobly carried on his father's policy and methods as a power to be reckoned within the State. Having dissolved his first marriage in 1459/60, on canonical grounds<sup>(2)</sup>, which coincided with his own ambition, he proceeded to marry the Princess Annabella, youngest daughter of James I. and aunt of James III. This at once made him a marriage connection of the King, but, in 1471, he risked the chance of Royal displeasure by having this second marriage also dissolved on the technical ground that the Princess was related to his first wife the Countess of Moray within the prohibited degrees.<sup>(3)</sup>

Meanwhile he entered into a contract of marriage with Elizabeth Hay, sister of Nicholas Earl of Erroll, and married her a few days after the announcement of the dissolution of the second marriage.

1. Miscellany of Spalding Club IV. 128, 129.

2. Scots Peerage IV. 528; Records of Aboyne 397.

3. Riddell: Scottish Peerage Law 1. 527.

By these three ladies he had eleven children, but it is practicable to state the relationships of any but the eldest son Alexander, who was certainly the son of the Countess of Moray.<sup>(1)</sup>

Soon after he succeeded to the Earldom Huntly became involved with Alexander Earl of Ross (who had married his aunt) and defeated him at Dingwall. As a recognition of his action, on 10 October 1479, James III. appointed him to the important office of Justiciar, north of the Forth.

In 1484, along with his kinsman George second Lord Seton, he was one of the Commissioners who negotiated the Treaty of Nottingham, and was subsequently one of its "Conservators".

In 1488, when the country was in turmoil in consequence of the King's policy and the forfeiture of the estates of those who had supported his brothers Albany and Mar, the King took refuge with Huntly, while the insurgent party took possession of the King's son. After the battle of Sauchieburn on 11th June, and the death of the King. Huntly's power was seriously impaired.

It did not, however, take him long to convince the young King, James IV., that he was too strong to be treated as an enemy; and he gradually recovered his dominance. On 13 May 1491 he was Lieutenant of the North.

In 1497 and 1498 Huntly was actively engaged in dealing with the King's unruly subjects in the Isles; in the course of this, acute dissension, resulting in civil war in the North, arose between him and Argyle who had been created Lieutenant of the Lordship of the Isles.

In 1497 Huntly was made Chancellor of Scotland.

The date of his death is uncertain; Sir Robert Gordon records it as 8 June 1501, but modern authorities consider it was on 15 July 1500. He was buried at Cambuskenneth.

1. Reg. Mag. Sig. XIV. 160.



During the years 1465 to 1470 negotiations between Huntly and his half brother Sir Alexander Seton of Tullibody resulted in the latter being, grudgingly, granted a portion of his mother's lands. There had always been friction between them, connected no doubt with the doubt as to Alexander's legitimacy, and to the fact that the latter certainly, on more than one occasion, called himself Master of Gordon and, later, Lord Gordon.

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The history of the great family of Huntly is the history of Scotland for several centuries. It must be borne in mind that they are a cadet branch of the Setons, and that the Committee of Privileges decided that, if they could have recognised the Peerage of Gordon, it would not have passed to the Huntly line but to the heirs male of Alexander Seton son of Egidia Hay.

Chapter 14.SETON OF TOUCH.  

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The Lands of Touch.

The earliest references to the Lands of Touch show that they belonged to the Frasers, and were generally known as "Tulch-Frisell" or "Touch-Fraser"; they appear also to have been associated with the hereditary office of Sheriff of Stirling which was held by this family until the middle of the 14th century.

The first owner is believed to have been Sir Bernard Fraser who was Sheriff of Stirling about 1200, and who still occupied that office in 1234. Dying without issue the property passed to his brother Sir Gilbert Fraser, who was Sheriff of Traquair in 1233, and of Peebles in 1259. He owned large estates in Peebles including Neidpath Castle, Oliver Castle, Drumelzier, Fruid etc. He died about 1263. His eldest son John predeceased his father but left two sons, the eldest of whom, Sir Richard Fraser "of Touch Fraser", inherited the estate.

Sir Richard Fraser was knighted before 1276. On 8 July 1291 he swore fealty to Edward I. and was appointed one of the forty auditors to hear and report on claims of Competitors for the Scottish Throne. In January 1292/3 he was Sheriff of Berwick, but in 1295 was in a state of rebellion against Edward and was forfeited; in September 1296, however, his lands were restored to him after again swearing fealty on 28 August 1296 at Berwick. He was alive in 1307, and the date of his death is unknown.

His son Sir Andrew Fraser swore fealty to Edward I. in 1291 at the same time as his father. In 1293 he was Sheriff of Stirling; but in 1296 he was a prisoner

in England. He may have predeceased his father, but he left four distinguished sons, the eldest of whom. Alexander, succeeded him in the Sheriffdom of Stirling, and his grandfather in the estate of Touch.

Sir Alexander Fraser was a doughty supporter of Robert Bruce, and fought continuously throughout his campaigns. He was knighted in 1315 and was the recipient of many estates forfeited by the Bruce's opponents. Of these lands the most notable were Aboyne, Cluny, and the forest of Craigie. About 1319 he was appointed Lord Chamberlain; and in 1321 he received a Charter of Touch Fraser. In addition to the heritable Sheriffdom of Stirling he had that of Kincardine. In 1332 he was killed at the battle of Dupplin.

In 1316 Sir Alexander married Lady Mary Bruce, sister of Robert Bruce and widow of Sir Neil Campbell of Lochow. She died before 1323. By her he had two sons John & William.

John Fraser, who succeeded his father as a boy of fifteen, died young; but he must have married, and he left a single daughter Margaret to whom descended Touch Fraser and many other properties belonging to her grandfather.

It was through Margaret Fraser that Touch came to the Setons.

About 1359 Margaret Fraser married Sir William de Keith, Marshall of Scotland, and brought to him a large part of her grandfather's estates, including Touch Fraser, Cluny, Aboyne, Glenmuick and Glentanar. The date of her death is unknown, but Sir William died about 1410, and they left a family of three sons and five daughters.

For many years after this the history of Touch is mixed up with that of the daughters of Keith, and the difficulty is to trace all the steps which led up to its being in the possession of Sir Alexander Seton 1st Earl of Huntly. It is necessary to look into the marriages of some of the daughters.

Christian Keith, the youngest, married, in 1363, Sir John Hay of Tullibody who also possessed the forest of Enzie and Boyne. By this marriage there was a son, Sir John Hay who married Margaret Stewart "the King's Niece" and had one child, Egidia "Lady of Tullibodie", of whom more will appear below.

Christian Keith married secondly Sir William Lindsay of the Byres, and, on 5th August 1378, Sir William Keith conveyed to them the lands of Touch Fraser. This must have been a temporary arrangement as, in 1407, the lands were back in the hands of Margaret Fraser and her husband.

Muriella Keith, the eldest daughter, married on 4 May 1380 as his second wife Robert Duke of Albany, Regent of Scotland, brother of Robert III., and by him had three sons, of whom the eldest was John Stewart, Earl of Buchan. In May 1407 Margaret Fraser and Sir William Keith granted to John Stewart a charter of Touch Fraser. He was killed at Verneuil on 17 August 1424, but he had already infefted his half brother Murdac in the lands. Murdac was executed in 1425 by his cousin James I., and the estate was then forfeited to the Crown.

The fact of the forfeiture was overlooked until 1504 as is shown in the Charter of Novodamus of Touch granted to Alexander, second of Touch; and the actual disposal of the property in the interval is uncertain.

It has been suggested that it may have gone, along with Aboyne and Cluny, Glenmuick and Glentanar, with Elizabeth, fourth daughter of Margaret Fraser, when she married Sir Adam de Gordon. He however was killed at Halidon Hill in 1402, and Elizabeth married twice again. Their daughter Elizabeth de Gordon became a ward of Sir William de Seton, and married his son Sir Alexander de Seton in July 1408; but there is no possibility, from the dates, that Touch passed by that channel to their son Alexander Earl of Huntly.



Another suggestion is that Egidia Hay, granddaughter of Christian Keith and Sir John Hay, may have inherited it from her grandmother, as she inherited Kilsaurle in Banff and Kinmundie in Aberdeen; and as she undoubtedly had inherited from her father Tullibody, the forest of Enzie and Boyne. But there is no evidence to support the suggestion that she also owned Touch.

Alexander Seton, second Lord Gordon and afterwards Earl of Huntly, was twice married.

His first wife was Egidia Hay, "Lady of Tullibody", whom he married in January 1426/27. With her he had a conjoint charter of her estates, viz the Barony of Tullibody; the lands of the forests of Boyne and Enzie and the Barony of Kilsaurle in Banff; and the lands of Kinmundie in the Barony of Kinedward in Aberdeen; to be held of the Crown, for service due and wont. This charter was in favour of them conjointly and their legitimate heirs.<sup>(1)</sup>

By this marriage there was a son Alexander, afterwards Sir Alexander Seton of Tullibody.

About 1438 Alexander Seton got this marriage annulled by fraud, on the alleged ground of consanguinity, concealing the fact that he had obtained a dispensation to marry her. He then lived with Elizabeth Crichton and had two children by her before appealing to the Pope for permission to marry her (as his first wife was dead) and to legitimate the children.

On 26 November 1438 his divorced wife Egidia Hay granted him, not for his life time but in fee and heritage, the whole of the lands mentioned in the Charter of 8 January 1426/27. She appears to have died in 1441.

On 3rd April 1441 Alexander resigned his own lands into the King's hands for new infeftment, and had a Charter<sup>(2)</sup> of the Lordships of Strathbogie and Gordon

1. Reg. Mag. Sig. Lib. VII. Nos. 226, 227.

2. Acts of Parliament II. p. 59; Records of Aboyne 381.

and the lands of Aboyne and Cluny, Glenmuick and Glentanar which came to him through his mother from the Gordons and the Keiths. This Charter was in favour of Elizabeth Crichton and her progeny.

In the winter of 1444/45 he was created Earl of Huntly.

There is no doubt that from the annulment of his first marriage Huntly had treated his eldest son Alexander as a bastard. John Ferrorius, writing about 1540, says:

"Not long after, for I know not what impediments, Alexander repudiated Egidia Hay; to the son, Alexander, in order to pacify popular feeling, he resigns Touch Fraser."

Again Sir Robert Gordon, in his Genealogical history of the Earldom of Sutherland in 1630:

"Then Earle Alexander was divorced from Lady Jealls Hay; and for satisfaction of all the patrimonie that he had with her in marriage, he gave unto the son begotten between them the lands of Tough and Tullibody."

It may be inferred from these statements that Touch had belonged to Egidia Hay and so came to Huntly; but there is no charter evidence of the fact.

How Touch passed to Huntly's eldest son, Alexander Seton of Tullibody, is shown below.

The attached table shows the relationship between the Frasers, Keiths, Gordons and Hays of Tullibody.

Robert Bruce = Marjorie Countess of Carrick

-1304

-1292

(2)

r = Lady Christian = Christopher de Seton  
ob 1357

(1)

Sir Neil Campbell = Lady Mary  
of Locho<sup>ow</sup>  
ob?1315

(2)

Sir Alexander Fraser  
of Touch Fraser,  
Aboyne etc. Great  
Chamberlain killed at  
Dunpluin 12.8.1332

abel Graham

John Fraser of Touch = ?  
Fraser ob ?

John Stewart = ?  
ilston

Sir William de Keith = Margaret Fraser  
"Marescallus"

John Hay of = Christian  
Tullibody (5th daughter)

(1)

Sir Adam Gordon = Elizabeth  
of Huntly "Lady of Aboyne"  
ob 1402 ob 1436

Margaret

"The King's Niece" = Sir John Hay of Enzie,  
Aboyne and Tullibody

I.

Sir Alexander Seton = Elizabeth Gordon  
1st Lord Gordon ob 1439  
ob 1440/41

(1)

Egidia = Alexander 2nd Lord Gordon = Elizabeth Crichton  
"Lady of 1st Earl of Huntly  
Tullibodie" ob 1470  
-1441

(2)

Sir Alexander Seton III.  
of Touch & Tullibodie ob 1503

George 2nd Earl of Huntly  
ob March 1500/01





Summary of the position regarding the lands of Touch.

The history of the lands is quite clear up to the marriage of the heiress Margaret Fraser and Sir William D. Keith. It is also certain that, on 5th August 1378, Sir William conveyed them, for a time at least, to his daughter Christian and her second husband; but he must have resumed them by May 1407, when he and his wife granted them to John Stewart, Earl of Buchan the son of their daughter Muriella Keith and Robert Duke of Albany.

Buchan, before his death in action at Verneuil in August 1424, had infefted his half brother Murdac Stewart 2nd Duke of Albany in the lands. Murdac was convicted of high treason in the year 1425 and executed on 25 May, and his property was forfeited.

Touch then fell into the hands of the Crown, though the fact was overlooked until 1504; the problem therefore is, who held it from 1425 until the time of Alexander Seton 2nd Lord Gordon and 1st Earl of Huntly, who died in 1470?

There is no evidence that his wife Egidia Hay ever had them, nor had his mother Elizabeth de Gordon.

The problem therefore remains unsolved.

The Lands of Tullibody.

Sir Gilbert de Haya of Locherworth married the daughter and co-heir of Sir Simon Fraser of Oliver Castle who was executed by Edward I. in 1306. With her he acquired a considerable estate in the County of Peebles.

They had an only son Sir Thomas de Haya who joined Bruce in 1308 and had his lands forfeited in consequence.<sup>(1)</sup>

He married Lora, daughter and heiress of Sir William de Cuningesburgh, with whom he acquired the lands of Tullibody in Clackmannanshire. After the death of Edward I. the lands were returned to him.<sup>(2)</sup> He died about 1335.

By this marriage there were two sons, - William de Haya of Locherworth, and Sir John de Hay of Tullibody.

In addition to Tullibody, this Sir John is mentioned in 1358/59 as owning the forests of Awne (Enzie) and Boyne which had certainly belonged to his grandfather; and, on 16 January 1362/63, he had a charter from David II. allowing him to hold the same lands of which Gilbert had obtained a charter from Robert I.<sup>(3)</sup>

His son was Sir John Hay of Tullibody who, in 1388, married Margaret, "the King's niece", daughter of Sir John Stewart of Railstoun. He was dead before June 1418, when the lands of the forests of Boyne and Awne were in the King's hands by his death, by reason of ward.

Tullibody thus passed to his daughter Egidia Hay who in January 1426/7 married Sir Alexander Seton Lord Gordon, afterwards Earl of Huntly; and, after the annulment of that marriage, she granted to him, in fee and heritage, the whole of the lands included in their original marriage contract. Tullibody was one of these, and thus became the property of the Earl of Huntly on 26 November 1438.

Some years before his death Huntly disposed his estates to his son George who succeeded him as Earl. Between the years 1462 and 1469 George and his half brother Alexander were carrying out negotiations as to the share

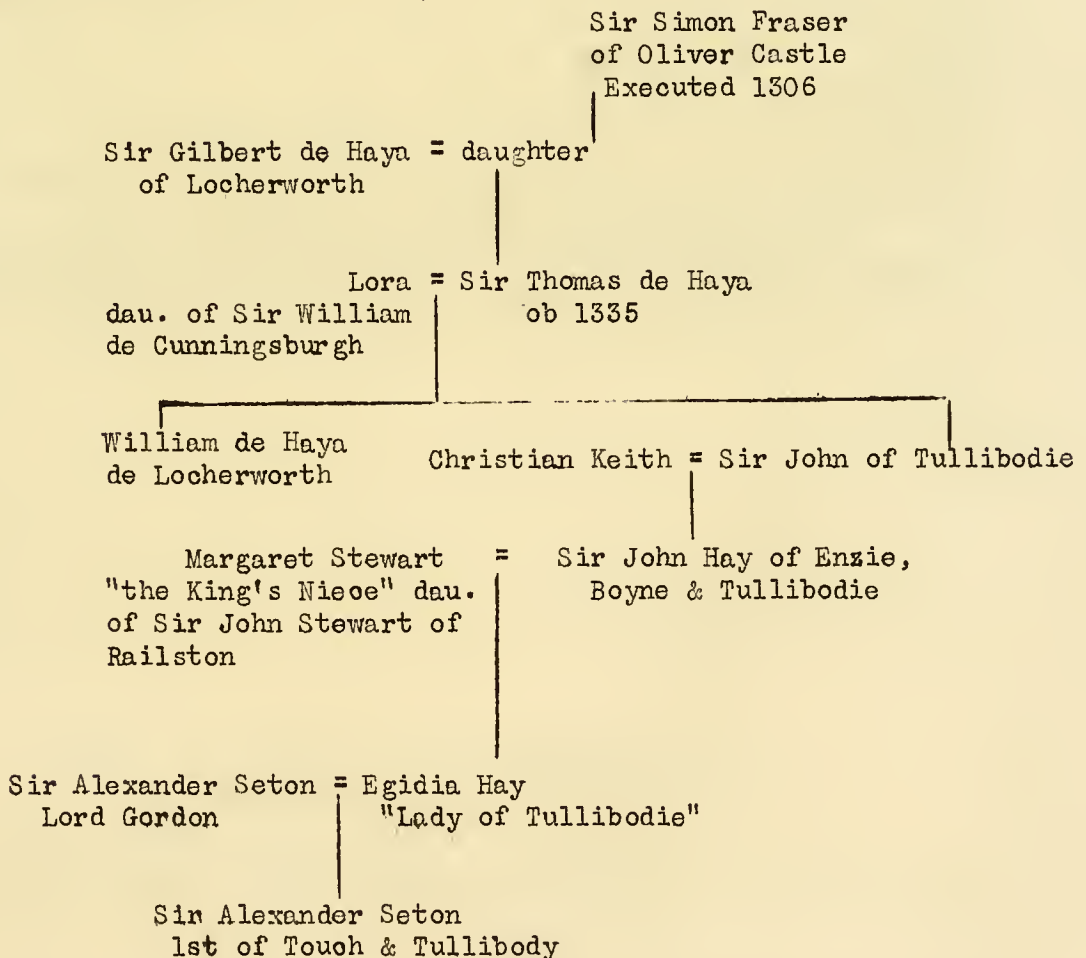
1. Calendar of Docts. Scotland III. 24b, 258.

2. Scots Peerage VIII. 420.

3. Reg. Mag. Sig. folio Vol. 24. 22.

which was to fall to the latter. After agreeing to give up any claim to the bulk of the lands which had belonged to Egidia Hay, Alexander was allowed to have Touch and Tullibody.

From Sir Alexander Seton Tullibody passed to his successors until in 1541 his great grandson Sir Walter Seton sold a part of the estate. Again, Sir Walter's grandson, John Seton of Touch, on 19 August 1611 sold the whole barony to Sir James Erskine, of Craig grandson of John fourth Lord Erskine. The Charter in this case stated that Sir James had been educated with the King, and had done him service in the matter of the Gowrie conspiracy.<sup>1</sup>



1. Scots Peerage V. 83.

The Lands of Touch Mailler.

The Lands of "Malar" have been known since the 12th century. About 1180 they were granted by Hugo, Bishop of St. Andrews, to the Abbey of Cambuskenneth in the Diocese of St. Andrews.

By 1369 they were known as Touch Malar, and were granted by David II. to Laurence Killebrand with the lands of Touch-Adam, and later in the same year to Sir Andrew Murray, in whose family they have remained ever since.

From a Retour<sup>(1)</sup> of James Seton 8th of Touch, dated 30 March 1642, further information regarding them is available. It narrates that James produced a Charter dated 13 November 1481 (?1499) by Alexander, Lord Home, Great Chamberlain who had been granted the Touch-Adam estates in April 1489 on the forfeiture of the Murrays after the battle of Sauchieburn.<sup>(2)</sup> This charter granted the lands of Touch Malar or Touch Mailler to Sir Alexander Seton, first of Touch.

The property continued in possession of the family until 1928, when it was sold, with Touch, by Sir Douglas Seton-Stewart Bt.

The Lands of Gargunnock.

"Caer guineach" was a fortress on a hill (sharp pointed hill) near the confluence of a burn with the

1. Touch Charters  $\frac{T}{L-6}$  24.

2. Scots Peerage IV. 452.



Forth, and was at one time held by Wallace. Near it was a "peel" which the English held to watch the ford of Frew; this peel, Gargunnoch, was captured and destroyed by Wallace. (1)

In the latter half of the 15th century the property was in the possession of Mariota Normavile de Gargunnoch, who must have married a Hepburn. On 31 May 1480 the King, James III., conceded to her son and heir Alexander Hepburn and his heirs the lands of Gargunnoch, Plean, Crammok and Glerat in Stirlingshire, and certain lands in Fife and Banff, (2) on their resignation by his mother.

Alexander Hepburn left no heirs of his body and the estate passed to one of his sisters, Margaret Hepburn. She resigned them, with consent of her husband Walter Sellar, into the hands of James IV., for regnant to Alexander Lord Elphinstone, who had a Charter accordingly on 19 June 1510. (3)

The following year however the estate was in the hands of one Elizabeth Turnbull, and on 31 March 1511 she resigned them and had a charter in favour of her husband William Elphinstone and herself. (4)

Two years later one Alexander Elphinstone paid entry money for part of the estates; (5) this may have been the infant son of Lord Elphinstone who was killed at Flodden. But it is evident that by that time there were several "portioners", of whom the chief were Turnbulls. That family owned at least a half of Gargunnoch, including the tower, mansion, fortalice and mill, and also the outlying properties of Plean and Fordale. How this happened it is not possible to say.

1. Barron. Scottish War of Independence 1. 416.
2. Reg. Mag. Sig. IX. 8.
3.       ib       XVI. 2.
4.       ib       XVII. 97.
5. Fleming. Castles of Stirling 354.



The Lands of Gargunnock. Contd.

The first reference to the association of the Setons of Touch with the lands of Gargunnock was on 22 February 1511/12 when Sir Alexander Seton of Tullibody and Touch Fraser, second of Touch, had a confirmation under the Privy Seal<sup>(1)</sup> of that date of a charter by Sir Robert Colville of Ochiltree, granting him five mercates of the lands of old extent of Gargunnock, together with the tower, fortalice and mansionhouse, lying in the Sherifffdom of Stirling.

The next reference is in 1530/31 when a "natural son" of Sir Alexander Seton is styled "John Seytoun of Gargunnock", and a precept of legitimation was issued in his favour.<sup>(2)</sup> It is certain that it was this John Seton who married Janet Turnbull, one of the two co-heiresses of Gargunnock. On 23 November 1515 they had a charter under the Great Seal,<sup>(3)</sup> in conjunct fee,

"of the fourth part of the lands and mill of Gargunnock"

and other lands, which had been resigned by Janet Turnbull. They were, in later charters, styled "portioners of Gargunnock", and from them descended the Setons of Gargunnock.

They had a son John, and by charter<sup>(4)</sup> dated Stirling 19th January 1534/5, they surrendered to him

"half the lands and barony of Gargunnock" reserving, as usual, the frank tenement thereof. This transaction applied only to the quarter of the whole estate.

John Seton, younger, married Janet or Helen Callander, and had a charter of the lands in conjunct fee, in 1536.

1. Reg. Privy Seal IV. 474.
2.       ib       VIII. 243 of 31 Jan 1530/31.
3. Reg. Mag. Sig. XIX - 76.
4.       ib       XXV - 343.

On 27th August 1547 John, who had succeeded to his father's part of the lands, sold them to his nephew Sir Walter Seton of Tullibody,<sup>(1)</sup> who thus had not only John Seton's share of a quarter of Gargunnock, but the 5 mercates he had inherited from his grandfather.

Subsequently John Seton inherited from his aunt, Elizabeth Turnbull, wife of William Elphinstone, her share of Gargunnock, on 20th June 1557.

Sir Walter Seton's Gargunnock lands passed in due course to his grandson John Seton of Touch, but his brother Alexander - who became Lord Kilcreuch and was head of the family of Seton of Abercorn - was styled "apparent of Gargunnock" in 1569; so he must have had some interest in the estate. On 11th June 1612 Alexander purchased the lands from his brother, and was, for a time, styled "of Gargunnock."

Finally, on 22 June 1624, Alexander sold them to John second Earl of Mar; and so they passed out of the family.

1. Reg. Privy Seal XXI - 34; Reg. Mag. Sig. XXX - 168.

Sir Alexander Seton of Tullibody and Touch.(1st of Touch.)  
? 1428-1503

The only son of Alexander Seton, second Lord Gordon, afterwards created Earl of Huntly, by his first wife Egidia Hay, this Alexander was a lad of about ten when his mother was fraudulently divorced; and he must have been brought up thereafter by Elizabeth Crichton his stepmother. Taking into consideration that this second marriage was probably arranged by Sir William Crichton, who was Master of the King's Household to James I. and Chancellor of Scotland soon after the accession of James II. in 1437, much that appears inexplicable in the history of young Alexander becomes intelligible.

In a Papal Brieve addressed by Pope Eugenius IV. to the Bishop of Moray dated 12 August 1441 it is narrated that Alexander de Seton and the late Egidia Hay, being related to each other, had obtained a dispensation and married and had offspring; he then, asserting that the marriage was null on account of the impediment, denying that he had had a dispensation, and concealing it in his house, caused Egidia to be summoned before the Archdeacon of Moray who promulgated a sentence of nullity of the marriage. He, then, and Elizabeth Crichton, "who was ignorant of the said marriage", contracted, before Egidia's death "which Elizabeth in no wise compassed", a marriage which was solemnised before the Church; since then they had lived together and had children. Alexander and his wife then pray for Papal absolution from the excommunication they may have incurred and the legitimization of any offspring there may be, and a dispensation to the parties to contract marriage anew.

The Pope directs the Bishop to ascertain the facts of the case, and to take such action as he thinks fit. What action, if any, he did take is not known; but the fact remains that Alexander de Seton, Lord Gordon, had admitted that by fraud and perjury he had obtained a decree of nullity of his marriage with Egidia Hay, and that, during her remaining lifetime, he had contracted

a bigamous marriage with Elizabeth Crichton.(1)

What was the effect of this tangled skein of matrimonial arrangements on the son of the first marriage Alexander Seton, tertius, "of Tullibody and Touch"? Opinions differ as to whether his father publicly regarded him as a bastard, the result of an annulled marriage; in practice he certainly did. Thus, when he was created Earl of Huntly in 1444/45, the succession was to his son George by his marriage with Elizabeth Crichton. Again, on the occasion of his bigamous marriage with that lady, the spouses had a charter dated 18 March 1439/40 limiting the entail of the estates to their children only.(2)

Finally, although the Records are incomplete, there is no doubt that during his lifetime, before 1465, Huntly had handed over his estates, including those which had belonged to Egidia Hay, to his son George, cutting Alexander completely out of the succession.

Taking all these facts together the only possible conclusion is that, as late as 1465, Huntly regarded his eldest son Alexander - then a man of some 36 years of age - as illegitimate, or at least as a negligible quantity.

Nevertheless, during the lifetime of his father, Alexander appears to have used the style of "Master of Gordon."

In reference to this Sir Robert Douglas wrote:

"While his father was a lord baron we find him designed Master of Gordon, and, upon his being created Earl of Huntly, he was designed Lord Gordon."

again:

"his eldest son Alexander...was designed Lord Gordon as his apparent heir, even after the honours and the comitatus were limited to the issue of his last marriage".(3)

1. For the document and the commentaries of Counsel thereon, see The Gordon Peerage Case.
2. Scots Peerage IV 524; Records of Aboyne 394.
3. Douglas. Baronage of Scotland 167; Records of Aboyne 396.



Thus, in a Charter under the Great Seal in favour of one Thomas Andrew, burgess of Cupar, dated 30 October 1458, he signs his name as a witness "Alexander, Dominus Gordoun".<sup>(1)</sup>

Douglas then states that:

"as he was undoubtedly heir to his mother's estate .. there were several contests between the brothers about the succession to these lands."

But it is probable that Douglas had overlooked the fact that on 26 November 1438 Egidia Hay had given a charter of her lands to her husband in fee and heritage; so that the disposal of them rested with Lord Huntly, and did not necessarily devolve on her son Alexander.

Some years before Huntly's death he made over his estates to his son George, who, between the years 1462 and 1469, was variously styled "Magister de Huntly", Dominus Gordon and Lord Gordon.<sup>(2)</sup> The fact that his half brother Alexander was also calling himself Lord Gordon caused friction between the two, and this appears to have complicated the matter of the division of the lands.

On 3rd February 1465 an agreement was arrived at between them under which George Lord Gordon agreed:

"not to make any impediment to the lands belonging to his mother, except the lands of Boyne and Enzie, for which lands Lord Gordon shall give to his brother the lands of Touch Fraser and the Dripps".<sup>(3)</sup>

As however James Lord Livingston and Sir John Colquhoun were holding part of Touch Fraser from the Earl of Huntly for their lives, Lord Gordon gave his brother a portion from the lands of Gordon and Huntly in Berwickshire, until he enters into Touch Fraser.

Negotiations however were spread over some years, and, in April 1470, just before Huntly's death, a fresh agreement was arrived at under which Lord Gordon took the Hay properties of Enzie, Boyne and Kilsaurle, while

1. Reg. Mag. Sig. Lib. 5. No. 24. 30 Oct. 1458.
2. See Gordon Peerage Case.
3. Historical MSS. Commission 12th Report App. Part VIII p. 88. Earl of Home's papers.



Alexander got Tullibody and part of the old Gordon properties in the South. This arrangement was confirmed by Royal Charter of 7th Feb. 1472. <sup>1</sup>.

The Gordon lands consisted of parts of Easter and Wester Gordon, Fogo, Mellerstain, Fauside and others; some of these were the lands inherited from Elizabeth de Gordon, others had been forfeited by Robert Lord Boyd and had been conferred on George Lord Gordon in February 1469.<sup>2</sup> At first Alexander had all these, but on 14th June 1480 he surrendered Fogo and Easter Gordon to George Earl of Huntly in exchange for Touch.

It is an inexplicable fact that in these Charters there is no mention of Touch until 1480, although, in the Agreement of 3rd Feb. 1465, it is specifically mentioned.

After the final settlement of their lands Alexander entered into a bond of friendship and man-rent with his brother under which they became mutually bound to stand by and assist one another. Alexander Earl of Huntly had died, and his son George had succeeded him, and the wording of the document was as follows:

"The Earl of Huntly should help in recovering his (i.e. Alexander Seton's) lands, as he suld do til his brodyr and man, and that the said Alexander sall keip his service to the saide Lorde his brodyr. and in lyke vyse the said Lorde to keip gude and afald (honest) lordschip to hym, as the letters of lordschip and manrent made betwix thame of before propertis. Edinburgh 10 April 1470."

Sir Robert Douglas, commenting on this says:

"This bond of friendship appears to be the only ground upon which Sir Alexander's never after claiming the title of Lord Gordon can be accounted for." <sup>3</sup>.

1. Reg. Mag. Sig. Lib VII. 256 1472.

2. Reg. Mag. Sig. Lib VII. 83. 7 Feb. 1469/70.

3. Douglas. Baronage 167.

The result of this excambion of lands between the two half brothers was that Alexander Seton possessed Touch and Tullibody and a small part of the Gordon lands in Berwickshire. These latter he set to Sir Alexander Home on lease on 7 August 1471;<sup>(1)</sup> they remained in the possession of Setons of Touch until 14th May 1608, when they were redeemed by the then Marquis of Huntly.

On 13 May 1499 he had a Charter of the lands of Touchmailler in the barony of Touchadam from Alexander, second Lord Home and Great Chamberlain.<sup>(2)</sup> These lands remained in the possession of the family until the final disposal of Touch by Sir Douglas Seton-Stewart Bt.

In all the documents regarding the Gordon lands which are contained in the Home Charter chest he styled himself "de Tulibody". The probable explanation of this may have been that Touch had no amenities as a residence, consisting only of the Fraser Tower.

A more interesting thing is that the seal he used was a modification of the old Seton one, - quarterly 1st and 4th, three crescents for Seton, and 2nd & 3rd three escutcheons for Hay; but there was the notable mark of difference that the Royal Tressure was omitted from the Seton quarters. This at once raises the question whether the omission was accidental or intentional, especially as at the same time the Huntly coat, in its Seton quarter, had the crescents within the Royal Tressure.

There is no evidence to show that Alexander Seton ever implemented his bond of manrent with his half brother, so far as accompanying him on his military expeditions was concerned.

On 9th November 1488 a Royal Charter under the Privy Seal was granted to him by James IV. appointing him Sheriff of Stirling.<sup>(3)</sup> In this document he is

1. Earl of Home's MSS. p. 136. 137. Nos. 161, 162, 169.

2. Seton of Touch papers  $\frac{T}{L-6}$  p. 24.

3. " " " "  $\frac{T}{M-1}$  p. 28.

styled "our armourbearer, Alexander Setoun de Tulibody", and the appointment was "for all the period of his "life". As this was only five months after the murder of James III at Sauchieburn, it seems possible that the grant was made in recognition of Alexander having taken the side of the Prince against the King in the events which led up to that battle. There is no reference to him having been knighted up to that time; nor is there any record known of his having been appointed "armourbearer." In 1651, however, when Charles II. granted a Charter of Novodamus of the office to James Seton, 8th of Touch, it was stated - in recounting its history - that Alexander Seaton de Tullibody "Eques auratus" had received the gift of the armourbearership from James IV.(1)

In December 1502, however, he had a Charter of Burncastle in the Lordship of Lauderdale, in which he is styled "the King's familiar knight Alexander Setoun de Touch Grisell."(2)

When Sir Alexander was 68 years of age, in 1497, he is said to have become weak in his mind, and his son Alexander obtained from an Assize a "Retour of Idiocy" against him. This action was at once opposed by his half-brother George Earl of Huntly, who brought a suit against the son resulting in a reduction of the Retour.(3) This may have been done under the terms of the agreement of manrent between them.

On the death of the Earl on 8 June 1501 Sir Alexander renewed the bond of manrent with his son Alexander 3rd Earl of Huntly.

1. Seton of Touch papers  $\frac{T}{M-1}$  p. 28.

2. Reg. Mag. Sig. Lib. XIV 71 - 22. 12. 1502.

3. Acta Dominorum VII 72 b and 76 b.

It is usually stated that Sir Alexander died in 1500. There is documentary evidence which disproves this. On 11th December 1503 an action was brought before the Lords of Council in regard to a dispute about the lands of Nether Tullibody. Alexander Earl of Huntly appeared on behalf of Sir Alexander Setoun who is described as "sone and are of umquhile Dame "Gelis Hay, Lady of the Landes of Tullibody"(1)

It may be presumed that Sir Alexander was then alive, though over 73 years of age. The date of his death is not known.

As regards the lands of Touch Mailler, valuable information as to how they came into the hands of Sir Alexander is contained in a Retour dated 30th March 1642 in favour of James Seton. The latter produced two charters, one dated 19th March 1497 from David Murray of Touchadam, and the other dated 13th May 1499 showing that he held them of Alexander, Lord Home for yearly payment of a silver penny. Between these dates Murray had been compelled to resign his lands in favour of Lord Home, on 31st January 1498/99 "for salvation of "his life."(2)

Sir Alexander Seton married Elizabeth, daughter of Thomas, second Lord Erskine, and by her had one son Alexander who succeeded.

1. Seton of Touch papers  $\frac{T}{B-2}$  p. 7; Acta Dominorum XV, 114.
2. Seton of Touch papers  $\frac{T}{L-6}$  p. 24; Shoriff Court Records, Stirling Book 127. 13. 5. 1499.



SIR ALEXANDER SETON OF TULLIBODY AND TOUCH FRASER  
(2nd of Touch) of 1513.

As the date of his father's marriage is unknown that of the birth of this Alexander cannot be stated. Very little is known about him.

The earliest charter reference to him appears to be a confirmation under the Great Seal of the sale by him to John Gordon de Lungar of his grandmother's lands of Kimmundie in Aberdeenshire, to be held of the Crown in fee. This is dated Edinburgh 16 April 1506.<sup>(1)</sup> It is interesting as this was almost the last portion of the lands of Egidia Hay in the North which had come down to the Setons of Touch.

He had been knighted before 24 July 1509 when, as a witness to the renunciation of certain lands by Alexander Earl of Huntly, he is styled "Sir Alexander Soitounne of Tulybody"<sup>(2)</sup>

On 4th Dec. 1508 there was a Royal Charter confirming the sale by "Alexander Setoun of Tulibody, Knight" to Alexander Earl of Huntly of his lands of Fothirtie, with mill and brewhouse, in the Earldom of Ross.<sup>(3)</sup> And in the following year, on 22 April 1509, he obtained Royal permission to sell £20 worth of his lands of Tulibody "to whomsoever he pleased, notwithstanding he holds them of the King in ward and relief." This was given at Stirling.<sup>(4)</sup>

So far he had been alienating lands; on 4th November 1510 he had a Royal Charter of Novodamus of the lands and barony of Touch Fraser.<sup>(5)</sup>

This important document may be summarised as follows:  
Edinburgh. 4th Nov. 1510.

1. Reg. Mag. Sig. XIV. 197. 16 April 1506.
2. *Antiquities of Aberdeen* (Spalding Club) II. 265.
3. Reg. Mag. Sig. XV. 141. 4 Dec. 1508.
4. Reg. Privy Seal IV. 22. 22 Apl. 1509.
5. Reg. Mag. Sig. XVI. 91. 4 Nov. 1510.



on account of the good, faithful and gratuitous service given to us by our beloved servant Alexander Setoun de Tulchfraser, Knight.. We have given, conceded, and granted anew heritably to Alexander and his heirs

All and whole the lands and barony of Touch Fraser in the sheriffdom of Stirling, enjoyed and possessed by him and predecessors for a long time,

Which lands and barony, by decreet of the Lords of Council given 27 February 1504, were adjudicated to belong to Us in perpetuity and heritably, for the reason that umquhile Murdach Earl of Fife owned them by an infeftment of John Stewart Earl of Buchan, his brother.

Which Murdach was convicted of certain crimes and forfeited the said lands and barony, as is more fully shown in the aforesaid decreet.

And, for Ourselves and our successors, by this Charter we have conceded to Alexander and his heirs the entire right and title which We and our predecessors have and had in said lands and barony, from the time of the conviction of the said Murdach, and the rents,

And We renounce and quit claim them to Alexander and his heirs, on account of his good work, and for the favour we bear to him

And We create, annex, and incorporate the lands and barony with its dependencies into a free barony

To be held.. in fee, heritably.. with rights of fork and pit, pit and gallows

The Reddendo to be, to Us and our Successors, a suit in the Court of our Sheriffdom of Stirling, and also Ward and Relief of the said lands.

In testimony whereof we order the Great Seal to be affixed -

This document shows that the whole question of the ownership and superiority of Touch had been raised, and that the Lords had decided that, at the execution of Murdach Earl of Fife for High Treason in 1425, it had

lapsed to the Crown. It also states definitely that Touch had been possessed by Sir Alexander and his predecessors "for a long time". We can only assume therefore, as shown above, under "The Lands of Touch", that the forfeiture had been overlooked between 1425 and February 1504.

It will be observed that there is no reference to the Sherifffdom of Stirling, so that it had evidently ceased to be a heritable office connected with Touch.

It was probably Sir Alexander who added the old mansion to the Fraser Tower of Touch.

On 22nd February 1511/12, Sir Alexander had a confirmation under the Privy Seal of a charter by Sir Robert Colville of Ochiltree of five "mercata" of lands of old extent of Gargunnoch, with tower, fortalice and mansion house.<sup>(1)</sup> This is the first reference in the Records to the connection of the Setons of Touch with the lands of Gargunnoch which long remained in their possession.

On 4th Feb. 1494/5 Sir Alexander had "a letter of gift to Alexander sone and apperand are to Alexander Setoun of Tulchfresale, of the malis and dewties of the lands of Mekil, Geddes, at half rate, for all the times that thai haf bene in the King's hands and his predecessors through non-entres of the said Alexander, which ye Record states of dait 9 February 1494".<sup>(2)</sup>

It is not known why he or his father were in possession of Mekil Geddes, or had failed to pay entry duties for the lands.

Sir Alexander Seton was killed at Flodden 1513.<sup>(3)</sup>

According to Douglas, Sir Alexander married Elizabeth, daughter of Alexander second Lord Home;<sup>(4)</sup> but this lady married Thomas son of John, Lord Hay of

1. Reg. Privy Seal IV. 174. 22 Feb. 1511/12.

2. " 1. 11. 4 Feb. 1494/5; Seton of Touch papers  $\frac{T}{C-1}$  p.8.

3. Elliot. The battle of Flodden. Appendix III. 307.

4. Douglas Baronage 168; Scots Peerage IV 358, 454.

Yester and secondly James Lord Hamilton, created Earl of Arran. Lord Home is known to have had some "natural" daughters, and Sir Alexander's wife may have been one of these.

He had issue:

1. Ninian, who succeeded as 3rd of Touch.
2. John - of Gargunnoch.

In the Privy Seal Register there is a precept for legitimation, dated Stirling 31st Jan. 1530/31 to "John Seytoun of Gargunnoch, bastard son natural of umquhile Alexander Setoun of Tullibody".<sup>(1)</sup> On the other hand in a charter of 1526 he is styled "brother german" of Ninian.

In December 1526, John was appointed a "gentleman of the King's House" with a salary of £40 yearly during his lifetime.<sup>(2)</sup>

It is probable that it was this John Seton who married one of the two co-heiresses of Gargunnoch, Janet Turnbull; on 23rd November 1515 they had a charter under the Great Seal of "the fourth part of the lands and mill of Gargunnoch and 3. pound lands of Plane, Stirlingshire; and half of the seventh part of the lands of Fordale, Fifeshire, which the said Janet resigned".<sup>(3)</sup>

By his marriage he had a son John "Younger of Gargunnoch" who married Helen Callander, and in 1536 had a charter in conjunct fee of "half of the lands and barony of Gargunnoch, with half the mill thereof.. which belonged heritably to the said John, and were personally resigned by him in the hands of the King at Stirling."<sup>(4)</sup>

(See Lands of Gargunnoch above).

### 3. Alexander.

He was a Dominican friar, and chaplain and confessor to James V. About 1534 he began, according

1. Reg. Privy Seal VIII. 243. 31 Jan. 1530/31.
2.       ib               VI. 68 of 15 December 1526.
3. Reg. Mag. Sig.   XIX. 76 23 November 1515.
4. Reg. Privy Seal   X. 135. 18 July 1536.

to John Knox, "to tax the corrupt doctrine of the papacy, maintaining that the law of God had of many years not been truly taught". He was, in consequence of his statements, compelled to leave the country. He fled to London and then became chaplain to Charles Brandon Duke of Suffolk. In 1541 he recanted publicly in London, at St. Paul's Cross; and died the following year.

4. James.

Nothing is known of him except that he was murdered by the "baron of Bordlandis", who was put to the horn and escheited in 1545.<sup>(1)</sup>

SIR NINIAN SETON OF TOUCH AND TULLIBODY.

3rd of Touch.

ob 1546.

Ninian succeeded his father after the latter was killed at Flodden. The first reference to him which has been traced is in a charter by Alexander Earl of Huntly, dated 23rd December 1518. By this Instrument the Earl, with consent of Elizabeth Gray, alienates "to our beloved kinsman Ninian Setoun of Tullibody, Knight, and his heirs heritably .. our lands of Huntly-wood, Forresterstead with the advowson and donation of the chaplain of the chantrie of Huntlie .. in our Lordship of Gordon.." Sasine was given accordingly.<sup>(2)</sup>

In 1529 his lands of Tullibody were appraised by the Crown and granted to John Lord Erskine, because, for a period of fifty years since the death of his

1. Treasurers Account VIII 384.

2. Home MSS. 148, 149; Seton of Touch papers  $\frac{T}{D-1}$  10.



great grandfather Alexander Earl of Huntly, the "non-entry fermes" had not been paid to the Crown by himself or his predecessors<sup>(1)</sup>. The sum owing amounted to £82.5.4. The matter was adjusted in the following year when there is a ratification by the King of the former gift of the non-entry of the lands and barony of Tullibody,<sup>(2)</sup> both in property and in tenantry. This must have been caused by an oversight.

On 18th May 1532 he had sasine of the lands of Touchmailler as heir of his father, granted by Agnes Cockburn, Lady Touchadam.

On 14th January 1534/35 Sir Ninian handed over the lands and barony of Touch, and of Tullibody to his son and heir apparent Walter, who had a charter under the Great Seal,<sup>(3)</sup> his father retaining his life interests therein.

Nothing more is known about Sir Ninian, who died about May 1546.

His matrimonial history was eventful.

He first married one Matilda Grahame, but on 26th Aug. 1516 the Consistorial Court of St. Andrews granted him a release on the ground that, before marrying Ninian she had had relations with William, Earl of Montrose who was related to Ninian within the fourth degree of consanguinity.<sup>(4)</sup> By this marriage there was no issue.

He married, secondly, Janet, daughter of Sir Edward Chisholm of Cromlix, and widow of Sir Alexander Napier of Merchiston, and by her had five children. But again he appealed to St. Andrews, and, on 13th May 1535 the marriage was annulled on precisely the same grounds as the first one, owing to her having had relations, before her marriage, with one John Buchanan, who was related to Ninian within the prohibited degrees.<sup>(5)</sup>

1. Reg. Mag. Sig. XXIII. 77. 11th Sept. 1529.

2. Reg. Privy Seal VIII. 209. 27th March 1530.

3. Reg. Mag. Sig. XXV. 339. 14 Jan. 1534/5.

4. Liber Officialis Sancti Andreae. No. 8. fol. 14. 26 August 1516.

5. Liber officialis Sancti Andreae. No. 85. fol. 232. 13 May 1535.



His family was as follows:

1. Sir Walter who succeeded.
2. Archibald married Jonet Spittell, and had a dispute with his elder brother about a tack in Kepdarroch, in Feb. 1565.
3. Alexander, joint tenant of the lands of Nether Lanerk in Perthshire, and described in a process of ejectment in November 1569, as "brother to the deceased Walter Seytoun of Touch" <sup>(1)</sup>.
4. Margaret married David Somerville of Plean, as his second wife about 22nd May 1532, when she had a charter from him of four mercata of the lands for all the days of her life <sup>(2)</sup>. On 29th July 1544 her marriage was annulled because she was within the prohibited degrees of consanguinity with Somerville's first wife Elizabeth Elphinstone <sup>(3)</sup>.

The Privy Seal Register in 1590 contained a precept of legitimation to Christopher Seytoun "sone natural" of the late Sir Ninian Seton of Tullibody, Knight <sup>(4)</sup>. This legitimation was somewhat belated, as Ninian had been dead 44 years.

In a law suit raised before the Lords of Council on 20th Dec. 1538 against Sir Ninian and Dame Jonet Chisholm "sometime his pretended spouse" reference is made to the fact that Sir James Towers of Innerleith was "now spouse to the said Dame Janet Chisholm".

1. Acts and Decrees XLVI. fol. 18.
2. Reg. Privy Seal LX. 104 - 22 May 1532.
3. Liber Officialis Sancti Andreae 121. 325.
4. Reg. Privy Seal LXII. 23. 23 March 1590.

SIR WALTER SETON OF TULLIBODY AND TOUCH.  
4th of Touch. circa 1519-1568.

The earliest reference to Walter Seton is in a Band<sup>(1)</sup> dated 18 July 1543 by William, third Earl of Glencairn and Sir George Douglas, by which the signatories bound themselves to Charles Duke of Suffolk, in a sum of £200, "that if yonge Walter Setone, prisoner to the King's Highnes, do not enter into England and yeilde himself prisoner within 40 days after he shall be demanded and called for, or after the said Erle or Sir George desire to send him into England" the band should come into operation.

No other Walter Seton is known to have existed at this time in the family, and it is not possible to ascertain how he came to be a prisoner of the King of England on bail. The Earl of Glencairn was one of those taken prisoner at the Rout of Solway and had been committed to the custody of the Duke of Norfolk, but was released on payment of a ransom of £1000 and signing an agreement to promote a match between Henry's son Edward and the infant Scottish Queen. On 4 May 1543 he had a commission to treat for peace with England, and for the marriage of Edward and Mary, treaties which were confirmed on 25 August.

How Walter Seton came to be concerned in these matters, it is quite impossible to say. There is certainly no indication of his having surrendered to the King of England; perhaps he was one of the Solway prisoners, and was released by the good offices of Glencairn.

As already stated, his father Sir Ninian on 14th January 1534/35 had handed over to him the lands and baronies of Touch and of Tullibody. During the years 1541 and 1542 Walter disposed of parts of the Tullibody estate by sale<sup>(2)</sup>; but, on 6 June 1545, he appears to

1. Harbian Charters 43 b. 20; Illustrations of Scottish History, Maitland Club No. 28; Scots Peerage IV 237.
2. Reg. Mag. Sig. XXVIII 413, 414.

have redeemed some of them, as he had a charter of some he had previously disposed of in favour of himself and his wife in conjunct fee.<sup>(1)</sup>

On his father's death he succeeded to the estates in Gargunnock which had been acquired by his grandfather;<sup>(2)</sup> this was only one sixth of the estate, and Walter Seton then proceeded to buy from John Seton of Gargunnock his half of the property, and the barony and mill thereof, and obtained a Royal Charter of confirmation on 29 August 1547.<sup>(3)</sup> These lands remained for several generations in the hands of the Setons of Touch.

On 3rd March 1553 he had a Royal deed of gift of the non-entry duties of the lands of Wester Leckie, extending to a £10 land of old extent, of all terms since the decease of John Leckie of that ilk.<sup>(4)</sup> In this document he is styled "of Touch".

On 28th October 1557 he had letters of tack, making mention that through the decease of James, Commendator of the Abbeyes of Kelso and Melrose, the said Abbey of Kelso was "in the Queen's hands until the promotion of an abbot to the same; therefore the Queen set to Walter Seytoun the vicarage of the church of West Gordon, with the teind sheaves of that place, for five years. He paying to the Queen £40 and 18 merks."<sup>(5)</sup>

On 21st July 1558 he had a charter of the lands of Touch Mailler from William Murray of Touchadam.

It is not known when he was knighted but he is styled Sir Walter in one official document dated 16 Feb. 1557/58.<sup>(6)</sup>

Friendly relations existed between Walter Seton and George 5th Lord Seton, and in 1565 he was aiding and abetting the latter, along with John Seton of Cariston,

1. Reg. Mag. Sig. XXIX. 302.

2. Special Retours, Stirling. 4th May 1546; Seton of Touch papers <sup>T</sup><sub>F-I</sub> p.12.

3. Reg. Mag Sig. XXX. 168.

4. Reg. Privy Seal XXVI. fol. 61.

5. ib XXIX. fol. 3.

6. Acts and Deoreets XVI. 351.

and James Seton of Lathrisk in "the mutilation of Francis Douglas of Borg of his right arm and left hand - thereby rendering him impotent of the same". In due course they were all declared rebels and put to the horn and were fined 2000 merks; however, they obtained a Royal pardon<sup>(1)</sup> on 21st Sept. 1565.

In March 1566/67, when the Earl of May, as Captain of Stirling Castle, was entrusted by Queen Mary with the care of the young Prince James, who was to be "nurist and upbrocht" by the Earl, Sir Walter's name appeared first of the witnesses to the "Direction" given by the Queen. This is of course explained by the fact that the Earl of Mar (sixth Lord Erskine) was his brother in law.

Sir Walter died at Touch in October 1568, leaving an estate the amount of which in money was £1500. He appointed his son James and his wife his executors and directed them

"to intronett and mak distribution of his gudis.. as they will answer to God Almighty"<sup>(2)</sup>

He appears to have been the first of the family to reside in Touch.

Sir Walter married, probably in 1541, Elizabeth<sup>(3)</sup> youngest daughter of John fifth Lord Erskine, and had issue:

1. James who succeeded.
2. Christell or Christopher.

He had a letter of gift of the escheat of goods which belonged to James Hopper, who was convicted of the slaughter of William Malice on 24th August 1580.<sup>(4)</sup>

He married Rebecca Cornnell, and his testament<sup>(5)</sup> shows that he had two sons Archibald

1. Pitcairn: Criminal Trials 1. Part 2, 465; Reg. Privy Seal XXX. 99.
2. Seton of Touch papers  $\frac{T}{F-3}$  p.14.
3. Scots Peerage V. 612.
4. Reg. Privy Seal XLVII p.10. 5th Sept. 1580.
5. Family of Seton II. 893.



and Walter, and three daughters Margaret, Elspeth and Geillis, and a natural son John.

Christell died in 1596, leaving an estate of £1588. His daughter Geillis appears to have married Patrick Ogilvy of Inchmartin and died in February 1600.

3. Robert, "Vicar of Logie".

On 27th November 1562 he had a letter appointing him "prebendar" or vicar of the parish of Logie in the diocese of Dunblane, vacant by the decease of John Forfar. This was ratified at Holyroodhouse 3rd March 1581/82.<sup>(1)</sup>

Along with his brother James he took part in the "Raid of Ruthven" in August 1582, and ultimately had a pardon dated Stirling 24th October 1583

"for art and part in the capture and forcible detention of the King, in and near Ruthven in August 1582, and thereafter at Perth, Stirling, Edinburgh and elsewhere.. and for all other actions and crimes".<sup>(2)</sup>

Nothing more is known about this belligerent Churchman except that he died before 1st December 1610, when his will was confirmed. He had benefited considerably by his mother's will. There was a Henry Seton Vicar of Aberfoyle in 1569. It is possible this was his son.

4. Jean or Janet.

According to Riddell a lady of this name belonging to the Touch family was in the establishment of Queen Mary. She married first Sir John Bellenden, and secondly in 1580 John afterwards eighth Lord Forbes. She died in February 1616, and her son Arthur became tenth Lord Forbes.<sup>(3)</sup> On 26th Jan. 1598/99 there was a charter confirming the lands and lordship of Forbes to the latter which had been bought for him by "John Earl

1. Reg. Privy Seal XLVIII p.108.

2. ib XLIX - 167.

3. Scots Peerage IV. 60.



of Mar and Seytoun of Touch", "cousins of his mother".<sup>(1)</sup> The Seton of Touch was James 5th of Touch.

5. Elspeth.

She married first John Buchanan and divorced him in 1575. She probably married James Reddoch, and had a daughter Katherine.

6. Geillis.

This lady is mentioned in John Muschet's Protocol Book (1562-1586). She married John Lennox of Woodhead, and had two sons "Jelis" and a daughter Elizabeth.

Lady Elizabeth Erskine long survived her husband, and died at Touch on 5th June 1598. Her testament,<sup>(2)</sup> which is in the Commissariat Registers of Edinburgh, was made up by her son Robert.

She left £1640.13.4, and the disposal of her estate is an interesting specimen of testaments of that period.

To Elizabeth Lennox her "oy" (grandchild) she left £40, to Jelis her oy, 2 young kye, and to William Lennox £1; these were the children of her daughter Geillis. To James Seton, her oy, probably the son of Robert Seton, £1; to Mr. Alexander Seton "son to the laird of Touch", 100 merks, to Jean Seton 4 young kye; to Marie Lennox and her brother, equally between them 100 merks; to James Reddoch, 100 merks and to Katherine Reddoch 100 merks; to Elspeth her daughter 4 bolls of meal; and the rest of her goods to her executor, her son Robert.

1. Reg. Mag. Sig. XLI. 498.

2. Family of Seton II. 893.

JAMES SETON OF TOUCH. (5th of Touch).  
1542 - 14 Feb. 1606.

In accordance with custom, some years before his death, Sir Walter handed over his estates to his son James, who had the following charter,<sup>(1)</sup> dated 2 July 1563.

"Mary, by the Grace of God ... know ye We, by this charter, confirm heritably to James Seytoun, son and apparent heir of Walter Seytoun of Tullibody and his heirs, all and whole the lands and baronies underwritten,

The lands and barony of Touch Fraser, with the fortalice and manor house of Touch; 15 mercata of lands of Gargunnock with mansion and fortalice; the lands and baronage of Tullibodie

Which same lands and baronies belonged to the said Walter heritably, and which he personally resigned into our hands at Dunipace, and renounced all rights and claims he had to them...

To be had and held by the foresaid James and his heirs of Us and Our successors in fee and heredity

Saving, however, and reserving the freehold and life rent of all the lands to the said Walter, for all the days of his life; saving also and reserving to Elizabeth Erskine, spouse of the said Walter, the conjunct fee of the 50 shilling lands in the barony of Tullibody, together with the terce of all the lands and baronies aforesaid."

1. Reg. Mag. Sig. XXXII. No. 358.

James succeeded his father in October 1568.

He was an adherent of the King's party, as opposed to that of the Queen, and in August 1572 he was one of the two Commissioners sent to "receive and keep" the castle of Edinburgh until the arrival of his uncle John, Earl of Mar.<sup>(1)</sup> The castle, however, did not surrender. In April 1573 he became cautioner and security for the allegiance and obedience of his kinsman George fifth Lord Seton, the devoted adherent of Mary Queen of Scots.<sup>(2)</sup> His relationship, through his mother, to the Earls of Mar was no doubt responsible for his throwing in his lot with the winning side, at a time when the main line of the family was supporting the Queen's interests. It must be remembered too that he was a cousin by blood of James Stewart, Earl of Moray, whose mother was Margaret Erskine.

In August 1582 James Seton, along with his brother Robert, John Seton portioner of Gargunnoch and his two sons Alexander and Andrew took part, with John second Earl of Mar, in the "Raid of Ruthven"; for this action they were pardoned on 24th October 1583.

In or about 1564, James Seton had joined the Reformed Church at about the same time as the Earl of Moray and John Lord Erskine, and on 27th July 1588, as "James Seytoun of Tullibody" he was appointed one of the Commissioners charged with powers for enforcing the laws against the Papists in Clackmannanshire.<sup>(3)</sup>

He appears to have been of a quarrelsome nature.

In 1588 he had a dispute with Leckie of Kepdarroch, which came before the Privy Council, and Robert Leckie was declared rebel.<sup>(4)</sup> On the other hand, on 30th April 1589, he became surety for Alexander Seton of Meldrum, in a sum of 5000 merks, for his good behaviour;<sup>(5)</sup> he

1. Glasgow Burgh Records (Maitland Club).
2. Reg. Privy Council II - 212.
3. " " Seal XLIX - fol. 167.
4. Reg. Privy Council IV 270, 335.
5. ib ib IV 378.

also stood surety for William Seton of Kylesmure that he would not harm his brother Lord Seton.<sup>(1)</sup>

In 1594 he was himself in trouble with David Dundas, Sheriff Depute of Linlithgow; on this occasion George Seton of Cariston became surety that James would not injure the Sheriff.<sup>(2)</sup>

In 1593 he was one of the signatories of the "Ordinance for the nursing and keeping of Prince Henry".<sup>(3)</sup>

James Seton died on 14th February 1606.

According to Douglas he married a daughter of Sir William Cranston. This is incorrect, and Douglas confused him with his grandson.

He married Eline or Jean, daughter of John Edmonstone of that ilk, and the contract was formally registered on 31st July 1563.<sup>(4)</sup> She died in Gordon, Berwickshire, before March 1614.

By this marriage they had issue:

1. John who succeeded.
2. Alexander of Gargunnock, afterwards Lord Kilcreuch, ancestor of the Setons of Abercorn. (See below). There was, however, another Alexander Seton of Gargunnock who died in 1602. - See "Lands of Gargunnock".
3. Robert  
He was made burgess and guildbrother of Stirling on 3rd Dec. 1600 "without any composition payit.. in respect of the grit paynes and travellis tane by the sd Robert in beitting (mending) of the brig of Tullibody".
4. George of Reidhall - ob 1628.  
He was styled "of Reidhall in the barony of Touch" - (West Kers). After his death

1. Reg. Privy Council IV. 65.  
2. ib ib V. 627.  
3. Hist. MSS. Commission Reports, Mar papers p.10.  
4. Reg. of Deeds. Scotch Office VI. fol. 417.



James Seton 8th of Touch gave a precept of "Clare constat" dated 17th March 1634, declaring the lands went to his elder brother Alexander.<sup>(1)</sup>

5. James.

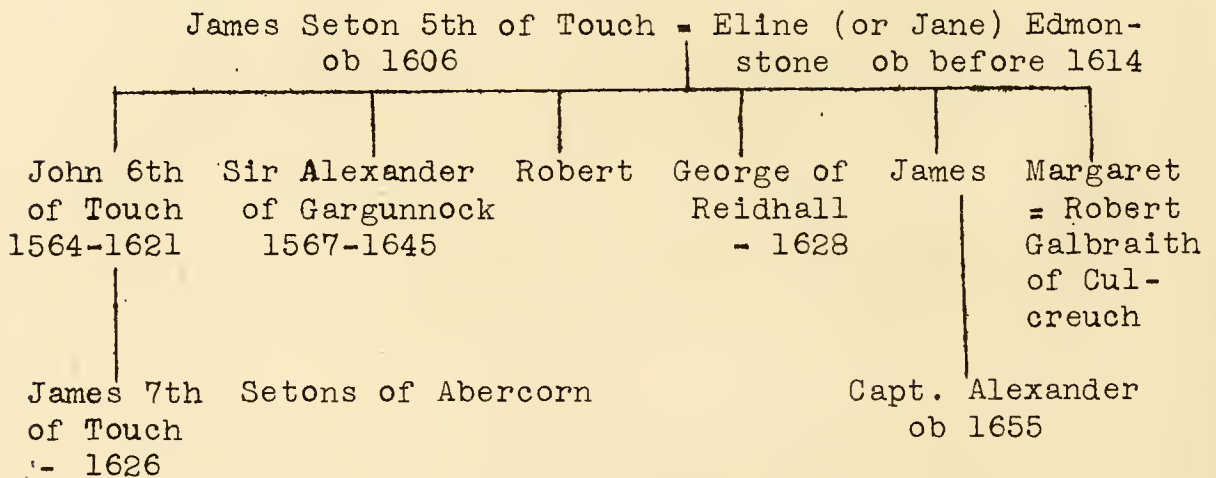
At an inquisition in Stirling<sup>(2)</sup> held on 6th April 1642, it was declared that he was next heir to his brother George. But, as shown above, James Seton 8th of Touch had already in 1634 decided that Alexander was the rightful heir, and had handed over to him the estate of Reidhall.

He left a son "Captain Alexander" in Col. Douglas' regiment, who died in August 1655.<sup>(3)</sup>

6. Margaret.

She married in March 1586 Robert Galbraith of Culcreuch. A charter of 28th March by James Galbraith grants to his son Robert and his future spouse Margaret, the lands of Wester Mains of Culcreuch. These lands ultimately came into the possession of her elder brother Sir Alexander, who became Lord Kilcreuch. (See Seton of Abercorn).

The relationships of the above are graphically shown as follows:



1. Seton of Abercorn papers  $\frac{A}{T}$  p.137.

2. Seton of Touch papers  $\frac{T}{H-I}$  p. 17.

3. ib  $\frac{T}{I-I}$  p. 18.



(1)  
By his Testament dated 14th February 1606 James  
Seton of Touch left the following estate:

Cattle, sheep, horses, corn, household plenishings Etc.	£2596. - . -
Rents and Debts owing to him	<u>£4292.19. 4</u>
Total	<u><u>£6888.19. 4</u></u>

It is stated that money was owing to him by persons  
in Fawnis and Mellerstain for crops "upoun the landis of  
Gordoun in ye Merse". This shows that the Setons of  
Touch were still drawing an income from the old Gordon  
lands.

JOHN SETON, 6TH OF TOUCH

1564 - 1621.

The earliest reference to John Seton was in November 1577, when his father gave him the ward of the lands of Huntlie, Over and Nether Fawside and others in the Lordship of Gordon, which belonged heritably to the Setons of Touch, but were held by them of the Earls of Huntly.<sup>(1)</sup> At this time he was a child.

On 24th July 1602 there was a confirmation of a charter and disposition to him and his lawful heirs procreated between him and his wife Elizabeth Home, heritably, of the lands of Tullibody.<sup>(2)</sup>

In the following year there is a reference to him in the Register of the Privy Council, the significance of which is not clear. The statement is made, on 22nd July 1603, that one John Seton, tailor of Edinburgh, became surety in £200 for John Seton, younger of Touch, that he would purchase "such stands of arms as he was instructed to buy". John's father was an adherent of the King's party, and had joined the Reformed Church in 1564, and his son may have followed on the same lines; the King had just left the country to take up the Crown of England, and insistent demands were already being made for meeting of the General Assembly to consider the Royal ecclesiastical policy. The purchase of arms may have been a precautionary measure.

In the years 1611 and 1612 John Seton effected important changes in the properties he had inherited. It has already been stated that, in October 1541, his grandfather Sir Walter Seton had sold part of the lands of Tullibody to John and Henry Quhit (White);<sup>(3)</sup> John Seton sold the remainder in 1611 to his kinsman Sir James Erskine,<sup>(4)</sup> grandson of John fifth Lord Erskine,

1. Reg. Privy Seal XLIV. fol. 121.
2.       ib       LXXIV. fol. 172.
3. Reg. Mag. Sig. XXVIII. 413, 414.
4. Scots Peerage V. S3.

who had a charter of it on 19th August 1611. This charter narrated that Sir James had been educated with the King, and had done him service in the matter of the Gowrie conspiracy.

And so this old Hay property, brought into the family by Egidia Hay "Lady of Tullibodie", passed away, and Sir James Erskine was styled "of Tullibody".

Again on 29th January 1611/12 John Seytoun of Touch sold to his brother Alexander Seton of Gargunnock an annual grant of 600 merks from his lands of Touch.<sup>(1)</sup> This was confirmed by a charter under the Great Seal 11th June 1612. The significance of this transaction is uncertain; probably Alexander had lent his brother money.

Finally, on 26th January 1612, John Seton gave his son and heir James the lands of Touch Mailler.

Nothing more is known about John Seton except that he is said to have represented Dumbartonshire in Parliament in 1593. In 1608, however, the Earl of Huntly redeemed from him the Gordon lands in Berwickshire which had been in the hands of the family since 1471.

The authorities are agreed that he married, before July 1602, Elizabeth daughter of Sir George Home of Wedderburn; and by her he had two sons.

1. James, who succeeded.
2. William.

Nothing is known of him except that on 16th Dec. 1618 he was involved in a serious quarrel with one John Baillie, which is referred to in contemporary records,<sup>(2)</sup> and that he married Elizabeth Forrester, by whom he had a daughter Margaret.<sup>(3)</sup> He died in August 1662 and was buried in Greyfriars Churchyard.<sup>(4)</sup>

1. Reg. Mag. Sig. XLVII. 5.
2. Reg. Privy Council XI. 489.
3. Records of Retours XXVIII. 166.
4. Seton of Touch papers  $\frac{T}{J-I}$  p.19.

John Seton of Touch died in April 1621 and was buried in the Church of St. Ninians on 1st May.<sup>(1)</sup> This is the first recorded burial of Setons of Touch in that Church; no trace remains of their graves owing to the blowing up of the building in 1746.

JAMES SETON, 7th OF TOUCH.

? - 1626.

James succeeded his father John Seton in April 1621. The date of his birth is uncertain as John Seton's marriage can only be stated to have taken place before June 1602. As, however, he had married Barbara Cranston on 2nd November 1615, James Seton must presumably have then been not less than 18 years of age.

Before his death John Seton handed over to his son an instrument of sasine of the lands of Touch Mailler dated 29th January 1612, to be held of Sir William Murray of Touch Adam, in fee and heritage.<sup>(2)</sup>

The old Gordon lands had been redeemed by the Earl of Huntly in 1608, who had disposed them to the family of Cranston of Morestoun; young James had married a daughter of Sir William Cranston in 1615, and appears, with her, to have got part of the lands, viz. Fawnes and Mellerstains. He had a charter of them on 15th Sept. 1617 from the Marquis of Huntly in favour of himself, and the heirs male lawfully procreated between him and his wife Barbara.<sup>(3)</sup>

John Seton had also given a charter of Touch Fraser to James on 26th January 1612. This charter

1. Kirk Session Records, Stirling.

2. Touch Charters  $\frac{T}{L-6}$  p.24.

3. ib  $\frac{T}{K-I}$  p.20; Register of Sasines l-46.

was confirmed by the King on 22nd January 1622. It ran as follows:

"John Seton of Touch - Know ye me for the paternal affection I bear to my son James, my heir apparent, to have given .. to him and his heirs and assigns, heritably .. the lands of Touch Fraser ... reserving the free life rent during all the days of my life, and to my wife Elizabeth Home the life interest in the lands of which she has infeftment".<sup>1.</sup>

Nothing is known of his life. At the funeral of his kinsman Alexander Seton Earl of Dunfermline on 9th July 1622, we are told that

"James Seatoune, Laird of Touche, carried the standert of black tafety which have painted on it the atchivement".

Otherwise there is no record of him.

The Douglas Baronage, Mr. George Seton in the Family of Seton, and other writers have mistaken him for his grandson in stating that he married Anne Stewart. He actually married Barbara daughter of Sir William Cranstone - afterwards Lord Cranstoun, who held the important appointments of Captain of the King's Guard, and, in 1611 Lieutenant of the Borders.<sup>2.</sup> This lady was on one occasion at least styled "Dame Elizabeth Cranstoun, Lady Touche".

By her, James had issue:

1. James who succeeded as 8th of Touch.<sup>3.</sup>
2. Euphemia. She married, firstly, Patrick Hamilton of Livingston,<sup>4.</sup> and secondly William first Earl of Dumfries, by whome she had issue.<sup>5.</sup>

James Seton died in February 1626.<sup>6.</sup>

T

1. Touch Charters K-2 p. 21.
2. Scots Peerage II. 594.
3. Register of Deceets 1 August 1635.
4. Acts and Deceets CCXXI - 2.
5. Scots Peerage III 234.
6. Stirling, Sheriff Court Book. 127. 31 March 1642.



James Seton. 8th of Touch.

? - 1680.

James Seton succeeded his father in February 1626, as a child of about ten years.

On 26th April 1627 he was shown as in possession of the old Gordon lands of Wester Gordon, Mellerstains and Huntlynows, which had come back to the family on his father's marriage with Barbara Cranstoun.<sup>(1)</sup>

On 23rd April 1630 he was served heir to each and all of his predecessors, in the following terms:

" . . . to Alexander Setoun, brother german of George Lord Gordon, his great grandfather's great-great-grandfather ("abavi tritavi"); for the reason, that the said James Seatoun, now of Touche, is the son and heir of James Seatoun of Touch who last deceased; which James was son and heir of John Seatoune of Touch; which John was son and heir of James Seatoune of Tullibodie; which James was son and heir of Walter Seatoune of Tullibodie; which Walter was son and heir of Sir Ninian Seatoune of Tullibodie, Knight; which Ninian was son and heir of Sir Alexander Seatoune of Tullibodie; which Alexander was son and heir of the said Alexander Seatoun, brother of the said George Lord Gordoun, and great grandfather's great great grandfather of James Seatoune now of Touche."<sup>(2)</sup>

On the same day he was served heir to Giles (Egidia) Hay, his great grandfather's great great grandfather's mother ("matris abavi proavi").<sup>(2)</sup> In this service the steps go up, as in the preceding one, to Alexander Seatoun brother german to George Lord Gordoun, with the addition:

"which Alexander was son and heir of the said Giles Hay."

1. Berwick Retours 153 of 26. 4. 1627.

2. General Retours 1612, 1613 of 23. 4. 1630.

In August 1635, when he was about 19 years of age, James Seton was served heir to his father in the lands of Touch Fraser and Touch Mailler.<sup>(1)</sup>

He married in January 1638, and the following disposition was made by him in favour of his wife on 21 January.

"Edinburgh and Seatoun.

James Seatoun, with advice and consent of John Earl of Mar, George Earl of Wintoun, Alexander Seton of Graden, the Lady Barbara Cranstoun Lady of Touch, and William Setoun brother of the late James Setoun of Touch, my Curators.

Whereas by virtue of a contract between me on the one hand, and Lady Katherine Weir, spouse of Sir Patrick Murray of Elibank and relict of Sir James Murray of Kilbaberton, for her daughter Rebecca Murray on the other part, dated 2nd and 19th January 1638, in view of a marriage then contracted with Rebecca Murray and later solemnised . . . I have alienated to my wife in life rent All the sunny half of the lands of Touch Fraser. . . to be held by her from me of the King, the Superior of the lands, she paying the Reddendo, consisting of services use and wont."

This Charter was confirmed under the Great Seal on 24 Dec. 1638.<sup>(2)</sup>

The formalities in connexion with the transfer of land, however, were not yet complete. On 30 March 1642 he had to produce documentary evidence before a Court in Stirling in order to be recognised as heir to his father in Touchmailler.<sup>(3)</sup>

According to the Douglas Baronage, James was "Sincerely attached to the interests of Charles I.; on which account he suffered many hardships."

1. Stirling Court Records. 152. 1. 8. 1635.
2. Reg. Mag. Sig. IV. 194. 24 Dec. 1638. Touch Charters T p. 22.

L-1

3. Stirling Sheriff Court Records Book 127. 30 March 1642; Touch Charters T p. 24.

L-6

Unfortunately it is not possible to trace his activities, during the Bishops War. According to Bailie, the historian of the Covenant, in a brochure entitled "Newes from England 1639" the King asked "Sir John Seton of Gargunnoch" to join him when he raised his English Army to meet that of the Covenant. Sir John, it is said, declined, saying "I serve not against the country which gave me birth."

If the style "of Gargunnoch" is correct this must have indicated James Seton; on the other hand there was a kinsman of his, Sir John Seton of Barns, and also a John Seton of Pitmedden who was killed in the action of the Bridge of Dee on 18th June 1639. The reference may have been to either of them.

One thing is certain; James Seton of Touch was heavily fined by Cromwell, as were George third Earl of Winton, and the latter's son Lord Seton, for the part they took in the operations during the English occupation. James was fined £1000, but this was reduced by an Act of the Privy Council on 6th April 1655 to one third of that sum.<sup>(1)</sup>

The new King, Charles II., showed his gratitude to him when, on 8 April 1651, he gave him a Charter of the office of Armour-bearer. This charter<sup>(2)</sup> is dealt with at greater length in the consideration of the Armour-bearership elsewhere in this Volume.

It narrated, however, that

"the deceased Alexander Seatoun de Tullibody and his descendants performed great services to our most illustrious predecessors . . . , and that the said Alexander received, by gift from our great great grandfather (James IV.), the reward and office of Armourbearer and Squire of the Royal Body heritably .....

And as .. James Seton is the true and lawful heir of Sir Alexander of Tullibody and ... performed much faithful service to our father on many occasions, ...

1. Historical MSS. Commission. Edmonstone MSS.  
Var. Coll. p. 162.
2. Touch Charters T p. 26.  
L-8

Therefore we give anew to our beloved James Seton, now of Touch the said office.....

We order the Great Seal to be attached."

This was sealed at Edinburgh on 3 April 1661.

On 30 May 1662 this charter was followed by another,<sup>(1)</sup> under the Privy Seal, which was formally sealed on 22 June 1672, granting to James and his eldest son, and the longest liver of the two

"ane yearlie pension of £300 sterling."

This pension was reduced in the following year to £200.

In 1663 James was "Commissioner for Supply" for Stirlingshire and in 1665, 1667 and 1668 he represented the County in the Convention of Estates.

According to Lamont, the diarist, "he had in 1664 from the King the privilege of exacting certain dues from the maltmen and mealmakers of Cupar. He sold this right, however, to one "Robin Andro, late Laird of Litell Tarvet".<sup>(2)</sup>

As already stated, James Seton married Rebecca, daughter of Sir James Murray of Kilbaberton and Katherine Weir, in January 1638, and by her had issue:

James who succeeded as 9th of Touch.

James Seton 8th of Touch died in 1680.

It is interesting to note that he was a close personal friend of George 4th Earl of Winton, and that in 1670 he and his son were commissioners for the Earl when he went abroad, along with Sir Walter Seton of Abercorn, first Baronet, and several other members of the family.<sup>(3)</sup>

1. Touch Charters T p. 27; Reg. Privy Seal 30 May 1662.

L-9

2. Lamont's Diary. May 1664. p. 170.

3. Seton. Family of Seton l. 241.



James Seton 9th of Touch.

? 1640-1702.

James Seton succeeded his father in 1680.

It must be stated here that family historians have mixed up the lives of him and his father inextricably, and have ascribed to him most of what has been written above about James Seton of Touch. As however the date of the latter's marriage is known to have been January 1638, it is quite evident that it was not this James who had a diploma of the Armourbearership for services rendered to Charles I. in 1651.

On 19th October 1681, however, he had two Charters regarding the Armourbearership which are of great importance.

In the first of these<sup>(1)</sup>, which is a Charter of Novodamus, the King confirms the Charter of the lands and barony of Gargunnock and Touch Fraser dated 9th March 1663<sup>(2)</sup> under which his father had resigned to him in fee both these properties, and also the Charter of the Armourbearership granted to his father on 8 April 1651.

The important point in this Charter is the following:

"And We, by this present Charter, have given to James Seton now of Touch and his heirs male, whom failing to his heirs male general and assignees, all the lands and barony of Touch Fraser, which We order to be called Touch Seaton in future, with the lands of Gargunnock, and with them the office and post of Armourbearer."

Apart from the interesting fact that "Touch Seton" now takes the place of the ancient name of "Touch Fraser" this Charter has been understood by the Setons of Touch to mean that it connects the office of the Armourbearer with the lands inseparably.

1. Touch Charters T p. 28.

M-1

2. Reg. Mag. Sig. LXII. 113.



The Charter then states that the Armourbearer is "of the number of our domestic servants" and, in place of the original salary of £300, it fixes the emoluments at £200, for the maintenance of horses and servants.

Finally in creating the new barony it definitely states that the Armourbearership

"is now included in the said barony."

The second Charter is an Instrument of Sasine of the lands and barony. (1)

On 28 March 1687 he was formally given Sasine of the lands of Touch Mailler by John Murray of Touch Adam, their superior. (2)

The political life of James Seton is difficult to disentangle from that of his father. It may have been either of them who was Commissioner for Supply in 1663; but it must have been this James who sat in Parliament in Edinburgh in 1681/2 and 1685/6.

Douglas describes him as "a great loyalist", but the only indication of his having suffered for it was when he lost the salary of the Armourbearership because he declined to recognise the new Government in 1688.

He married three times.

His first wife was Elizabeth, (3) daughter of Henry Maule Keeper of the Signet and Grizel Seton whose identity is unknown. She died in 1663, without issue.

In 1664 he married Anne, daughter of Sir Thomas Stewart of Grandtully; she died in 1668, without issue. (4)

His third wife was Elizabeth, daughter of Sir Archibald Stirling of Keir and Garden, by whom he had issue:

1. Archibald who succeeded.

1. Touch Charters T p. 29.

M-2

2. " " T p. 30.

M-3

3. Stirling Court Records 21. 6. 1669.

4. Grandtully Book CXXVI.

2. George.

He was a doctor by profession. As will be shown later he was an active Jacobite. The name of his wife is not known but he had a daughter, Lucy, born in 1676. He died after 1708 when he was in hiding, in connection with the abortive Rising, and probably after 1721.

3. Lilias.

Lilias never married. She was a devoted guardian to her nephew and nieces after the death of Archibald, and acted as factrix of Touch, at least until 1742. She was alive in 1748. (1)

4. Charlotte died 1738.5. Grizell.

She married George Moir of Leckie. They were both dead by 1721, leaving a son James Moir who succeeded his father.

James Seton died on 23 July 1702.

Archibald Seton 10th of Touch.  
circa 1670-June 1726.

On his father's death on 23 July 1702 Archibald Seton completed his title to succeed as heir to his father by Special Service by the Sheriff of Stirlingshire in November 1702.

In the document of Retour<sup>(1)</sup> it is narrated that his father died seased in the following lands:

"the lands and barony of Touch-Seatone, including one mercate of the lands of Gargunnoch commonly called 'The Arnes', and 40 penny lands of Hillhead of Gargunnoch . . . and also in the heritable office of Armourbearer."

It then proceeds to narrate the history of that office, with special reference to the Royal Charter of 19 October 1681 which

"incorporated the Lands of Touch along with the heritable office in a free Barony" with a salary of £300; and the later Charter under which that sum was reduced to £200.

Finally it stated that the whole are held in chief of the Crown "in ward and hereditie" for the following Reddendo:

"a sum of £80 during the term of ward and non entry, and the same for relief, and £100 for marriage, and good service for the Armourbearership."

Like his predecessors, Archibald Seton was a Royalist and an enthusiastic Jacobite. Together with other Stirlingshire lairds - many of whom were blood relations of his - he took up arms to support the Chevalier de St. George on the occasion of his landing in 1708, and speedily found himself involved in legal action.

On 30 March 1708 a warrant<sup>(2)</sup> was issued for his arrest "for suspicion of high treason and treasonable practices", following on Letters of Horning dated 25

1. Touch Charters T p. 32.

N-1

2. ib T p. 33.

N-2

March. These Letters narrated that certain persons, including Archibald, had been summoned to appear before the Privy Council on 9th March, but had "contemptuously refused to compear, to the manifest contempt of our Authority." They were therefore again summoned to appear "under pain of rebellion."

The individuals concerned were Archibald Seton, James Stirling of Keir, Archibald Stirling of Garden, Charles Stirling of Kippendavie and Patrick Edmonston of Newton; and in due course they came in to Edinburgh and were committed to the Tolbooth on 30th March 1708.

In May the English Privy Council had them sent to London, where they were imprisoned in Newgate for "several weeks." They were then sent back to Edinburgh and indicted for High Treason.

Their actual offence was that they were waiting to assist the French landing party which came over in a Fleet under Admiral Forbin to the Forth on 23rd March 1708.

The criminal proceedings which followed are contained in a printed "Extract of the Process of Treason" printed in 1709.<sup>(1)</sup> It shows that the terms of the Indictment were that the prisoners

"upon one or other days of February March or April last, when an invasion was threatened by an enemy fleet, did convocate and convene in arms with others, such as George Seton (and others) all since absconded, and did levy war and take up arms against Her Majesty, and did gather with swords and pistols and did march in one body to and from places in Stirling, Perth Etc. to encourage the said invaders; lykeas they did openly drink to the good health of their Master, who could be none other than the Pretender.

By all which they were guilty of Treason, Rebellion and lese Majesty, which crimes being proven they ought to be condemned to forfealt their lands, lives and goods."

1. Touch Charters T p. 34.  
N-4



On 15th November they appeared before the Court of Justiciary, and evidence was led that they had been seen going about armed.

On 22nd November the Jury found the crimes "not proven", and they were assoilzied and released.

The George Seton mentioned above was Archibald's brother.

From this time Archibald Seton was naturally looked upon by the Authorities with suspicion, and in September 1715, he was summoned to appear in Edinburgh as a suspected Jacobite, along with his kinsman George fifth Earl of Winton and Viscount Kingston, and was fined £500 for not appearing.<sup>(1)</sup>

He served in the Earl of Winton's squadron during the operations of 1715/16, but was not taken prisoner and escaped abroad to the Netherlands. Fortunately for him he escaped attainder and forfeiture, at the time.

On 31st March 1716 he wrote from Liege to the Earl of Mar:

"I desire to know if I can be further serviceable to His Majesty. Were it not for that prospect the very thought of living were a burden."

Mar replied that the King "showed a sensible pleasure at your being safe . . . and was surprised at your modesty."<sup>(2)</sup>

It is possible he returned home under the "Act of Free Grace" of 15 July 1717; if so he was back in the Low Countries in January 1719, when he wrote to James Nicolson, Writer in Edinburgh, appointing him his Procurator "to manage all actions and law-suits before any Court wherein I shall be pursuer or defender."

This action must have followed on receipt of intimation that "processes of Escheat" were pending against him "for seizing the Rents and Profits" of

1. Books of Adjournal 15. 9. 1715.

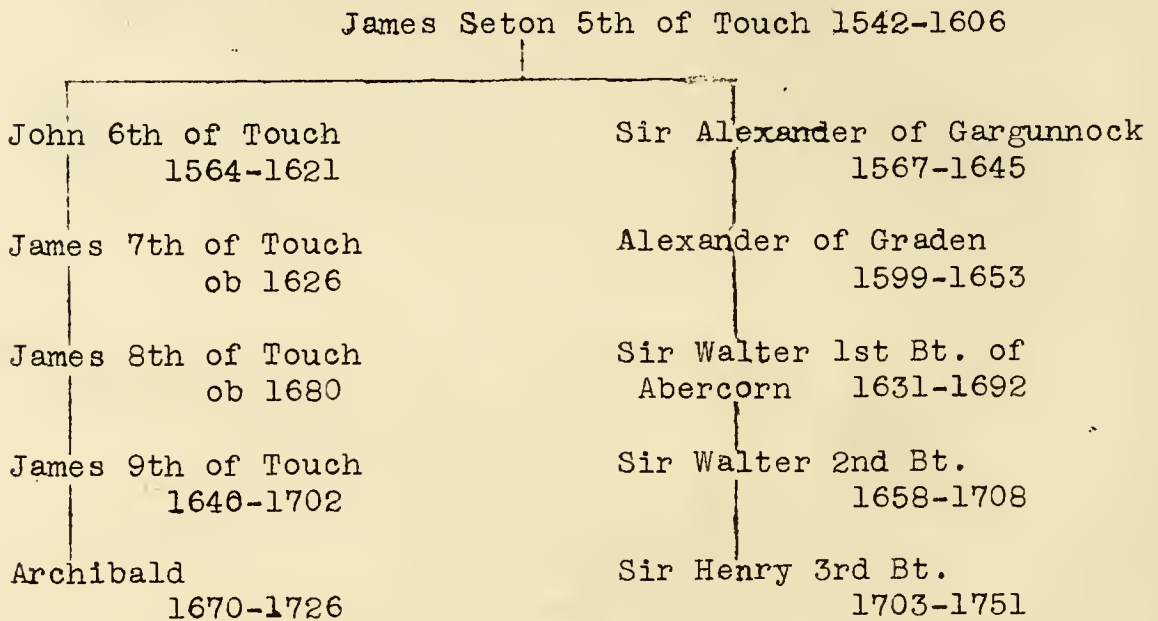
2. Historical MSS Comm<sup>n</sup>. Stuart papers II 49. 94.



Touch, for not obeying the original citation of 16th September 1715 to surrender himself in Edinburgh.<sup>1</sup>

How he escaped losing his rents Etc. is not known, nor when he returned to Touch; but he was certainly back in 1721 when he married.

Meanwhile the relationship between the Setons of Touch and their cadet branch of Abercorn had become increasingly strained on account of the political views of some of the latter, notably of Sir Walter, second Baronet. The relationship between them is as follows:



Sir Walter Seton was as stout a supporter of the new regime as Archibald Seton was a Jacobite, and the latter, probably some time before he married in 1721, surrendered the estates of Touch and the Armourbearer-ship for a new grant and an altered succession.

1. Touch Charters T 36.  
N-7

In this document of resignation<sup>1</sup> the succession was:

- a. to his own heirs male of the body
- b. to his brother George and his heirs male of the body
- c. to his own heirs female of the body
- d. to Lillias Seton, his sister and her heirs male
- e. to Charlotte Seton, his sister and her heirs male
- f. to Grisell Seton, his sister and her heirs male
- g. to his own heirs male whatsoever
- h. to his "nearest and lawful heirs and assignays".

This disposition was obviously designed to eliminate the Setons of Abercorn from the succession, and, holding the political views he did, Archibald Seton was entitled to arrange it as he did.

The later generations, however, were afforded ample grounds for controversy in regard to it, of which they took advantage. This will be referred to later.

In April 1721 Archibald Seton married Barbara, only child of Alexander Hunter late of Muirhouse and Barbara Moncrieff, niece of Sir Thomas Moncrieff of that ilk.

The marriage contract<sup>2</sup> involved resignation of all his estates, including the Armourbearership and its annual fee of £200, in favour of:

- a. himself and the heirs male of his marriage with Barbara
- b. heirs male by any other marriage
- c. George Seton his brother and his heirs male
- d. his own eldest heir female
- e. the eldest heir female of George Seton
- f. all which failing to his own "nearest heirs whatsoever".

He bound himself to infest his wife in 2000 merks annually; and Barbara was to pay Archibald 9000 merks Scots.

1. Touch Charters  $\frac{T}{N-8}$  37.  
 2. " "  $\frac{T}{N-9}$  p. 38.

By this marriage he had issue:

James who succeeded as 11th of Touch.

Barbara died young, between 1726 and 1730.

Elizabeth who succeeded her brother as 12th of Touch.

Archibald died in June 1726, and was buried at St. Ninians.

By his testament<sup>1</sup> of 7th June 1726 he left £500 each to his daughters when they became 16 years of age. His son James was nominated his "legator" and was placed under the charge of Lillias Seton, who was appointed factrix to James during his pupillarity, with certain named tutors.

His wife, Barbara Hunter, predeceased him in March 1725.

Like his father and grandfather, who were on most friendly terms with George 4th Earl of Winton, Archibald was a close friend of the fifth Earl.

Soon after the return of the latter from abroad in November 1707, after discovering that, in his absence, his kinsman Archibald Viscount Kingston had seized the estate and claimed the Earldom, he resigned the Earldom on 16th March 1708, and made a fresh disposition thereof,<sup>2</sup> for a charter of Novodamus.

By this instrument he disposed "our said lands, titles of honour, Earldom Etc."

"To Us and the heirs male lawfully to be procreat of our body, which failing to the heirs female ... which also failing to any person we shall design and the heirs male of their body, which failing to Archibald Seton of Touch and the heirs male of his body, which failing to Mr. George Seton his brother and the heirs male of his body, which failing to our own nearest heirs, secluding and debarring Archibald Viscount of Kingston, James Seton his brother, Mistress Elizabeth Seton his sister, spouse of William Hay of Drumelzier and the heirs descending of any of their bodies ...."

1. Touch Charters T 39.

N-10

2. Main Line Charters M p. 35.  
11-2

Under this disposition, had the Earl not been attainted and forfeited, the Earldom would have devolved upon Archibald Seton of Touch and the latter's heirs male; and, as the Setons of Abercorn were retoured heirs male of Touch on 8th August 1761, it would then ultimately have passed to Sir Henry Seton, 4th Bt. of Abercorn and the present baronets.

It may fairly be deduced from this action that the Earl of Winton and Archibald Seton were on the most friendly terms; and from this another interesting point arises.

The Setons of Touch have, ever since the attainder of the Earl of Winton, been in possession of certain articles which must have come from Seton Palace. Among them are a bed quilt stated to have been provided for Queen Mary's bed when she stayed there; the 3rd Earl of Winton's Robes; a painting of the 5th Earl as a young man, by Rigand; and probably two large Oudenarde tapestries - all of which were given or bequeathed by Sir Douglas Seton-Stewart to Sir Bruce Seton. There was also a very beautifully executed small heraldic tree on vellum.

All these articles would no doubt have shared the fate of the other contents of Seton after the attainder, had not the Earl assigned them for safe custody to his friends. In this particular case his friend Archibald "came out" with him; but the Earl may well have sent them to Touch. There is indeed evidence that there were certain things stored in the house of one of the tenants, John Cairncross. Writing about 1780 to "the Laird of Touch" this individual referred to what he and his father had done "in the year of Shiraymuir"... in taking over "the best furnetur which was all broght down to our hous .. at the hazard of being put out of hous and bed".<sup>1</sup>

How they escaped being removed by Viscount Kingston during his temporary assumption of the Earldom is

1. Touch Charters T p. 125.  
W-3

1707/1708 is not known. Many Seton pictures and relics were taken and found their way to Drumelzier, when they passed into the family of the Hays of Drumelzier, now of Duns, and they are still in their possession.

At least two well known Seton portraits were taken possession of by James 12th Lord Somerville, and are now owned by his descendant, Mary wife of Sir Theophilus Biddulp Bt. at The Pavilion, Melrose.



JAMES SETON 11TH OF TOUCH.

1722-1742.

When his father died James was four years of age, and, under the disposition of the estate, was taken charge of by his aunt, Lillias Seton, assisted by the tutors nominated by Archibald. At the first meeting of the tutors, it was decided that the children

"should remain in family with Mistress Lillias and be entertained and maintained by her in Bed, Board and Abulzements for their body, for all which, and for Executry of the Factory, the tutors allowed her £1000 Scots yearly and the possession of the house".<sup>1</sup>.

On 24th September 1730, Lillias reported the death of the child Barbara. There was some friction among the tutors, as, on 31st March 1731, it was reported, at a meeting of the principals at Dunfermline, that James Moir of Leckie, "with the connivance of Lillias", had removed young James Seton without the knowledge of the remainder, and handed him over to Mr. Francis Paterson, "Teacher of Humanity for the Abbey", and that the other tutors had removed him. Leckie reported this to the Sheriff, who ordered the boy to be sent to Mr. Paterson.

On 15th February, 1732 the following charter was issued under the Great Seal:

"George, by the Grace of God...know ye that, by inquisition made, it is proved that James Moir of Leckie is nearest relation of James Seton and is a not immediate successor of him if he were to die. Therefore we appoint James Moir of Leckie tutor of James Seton his pupil".

As Leckie then assumed management of the estate, the other tutors then resigned.

On 27th July, 1726 James was retoured heir to his father, and the procedure adopted, gave rise to much litigation after his death and his sister's succession.

The Retour<sup>1</sup> narrated that Archibald had died vested in the lands and the Armourbearership, and had resigned them in favour of heirs male of his marriage; this disposition made provision for the failure of heirs male, and James was shown as lawful and nearest heir male thereto. In other words, his tutors expedited a Service as "heir male", upon the old Investitures, instead of making up his titles, by general service, as "heir of provision" under the Marriage Contract of April 1721.

The difference, only appreciable to the legal mind, had to be considered by the Court of Session, and was only put right, as far as Elizabeth Seton was concerned, in 1748.

(See Elizabeth Seton).

In 1728 the tutors obtained for James, sasine of Touchmailler from James Murray of Touchadam.<sup>2</sup>

On 19th March 1736, James having reached the age of 14 years, it was necessary that he should have curators appointed; and the Sheriff of Stirling summoned representatives of the family to present themselves for the purpose of selecting them. Only his aunt Lillias Seton and Robert Leckie, Writer, appeared; and Lillias, James Moir of Leckie, and John Stirling of Keir were appointed.<sup>3</sup>

On 26th Jan. 1738 James Moir resigned. and James Seton formally assented to Lillias having powers "to up-lift the rents of Touch and Reidhall".<sup>4</sup>

During his pupillarity, the estate was increased by the purchase of Redhall from James Stirling, on 24th

1. Touch Charters  $\frac{T}{O-3}$  44 and  $\frac{T}{Q-12}$  p. 57; Elchies, Notes.

Service of heirs No. 5. 9 June 1749.

2. Touch Charters  $\frac{T}{O-4}$  45.

3. do.  $\frac{T}{O-5}$  46.

4. do.  $\frac{T}{O-6}$  &  $\frac{T}{O-7}$  46.

Sept. 1730. This estate was also known as "West Kers". It was, in 1628, possessed by George Seton, youngest son of James Seton 5th of Touch; on his death in 1634, it passed to the second son Sir Alexander Seton, as next lawful heir to George. The land was held of Seton of Touch in feu ferme.<sup>1</sup> Sir Alexander immediately disposed of the estate to the Rev. James Seton, Rector of Aberfoyle, "for a certain large sum of money".

Its subsequent history is uncertain, but in 1730 it belonged to James Stirling of Redhall; and the tutors acquired it from him for 6000 merks Scots.

Nothing more is known of James Seton. He died, unmarried, on 25th March 1742, and was buried at St. Ninians.

The male representative of the Setons of Touch.

On the death of James Seton, 11th of Touch, on 25th March 1742, there was no question as to the succession, as far as the estates of Touch Seton, and perhaps the Armourbearership, were concerned. But the fact that the succession devolved on a woman, Elizabeth Seton, speedily raised the question of the necessity for formal recognition of Sir Henry Seton, Bt., third of Abercorn, as heir male.

This arose out of the mistake made by the tutors of the late James in July 1726, who had got him retoured as heir male to his father under the old Investitures, and had ignored the procuratory of resignation, and the marriage contract of Archibald Seton, dated 27th April 1721; by these instruments, James should have been retoured "heir of provision" to his father.<sup>2</sup>

Elizabeth herself, when she succeeded, had a Retour<sup>3</sup> of general service as "heir of provision" to her father Archibald, dated 25th Jan. 1743. It was not until 30th

1. Abercorn Charters A 137, A 138.

1-3 1-5

2. Touch Charters T p. 57.

Q-12

3. ib T p. 50.

Q-3

November 1748, after her second marriage to Hugh Smith, that she took a case against Sir Henry Seton "heir male" of the deceased Archibald Seton and of James Seton his "only son", before the Court of Session, with the object of having the erroneously granted Writs reduced before him. Consequently a diligence was executed against him to appear on a certain day in Court.

Sir Henry took no notice; and, on 20th Feb. 1749, Elizabeth Seton and her husband submitted a printed Memorial, narrating the history of the case, and pointing out that the action of her brother James' executors in 1726, had the effect that she

"was put to the trouble and expense of denuding the collateral heirs male, - nay, further, it put it in the power of such heir male's creditors to affect the Estate, .. so that the effect of this title made up by the Infant's tutors may truly have been to carry off the Estate wholly from the heirs female of the marriage".

She begged the Lords therefore, to reduce the Retour and Infetment which were expedite in James' infancy,<sup>1</sup> as "the lesion, therefore, is very apparent".

Sir Henry still ignored the case, although a copy was sent to him.

On 25th April 1750, a summons<sup>2</sup> was again sent to Sir Henry, at the instance of Elizabeth Seton. This document states that the complainers "have sundry actions to pursue against Sir Henry .. which Sir Henry is also apparent heir male to James Seton last of Touch, for payment of certain debts and sums of money owing by the said James last of Touch and his father".

Consequently the Court ordered a Messenger

"to command Sir Henry .. to enter himself heir male to the deceased James Seton and Archibald Seton his cousins, and, if he wilfully will not enter himself, the Complainers shall have such-like execution against him as they might if he were retoured".

1. Touch Charters T p. 58.

Q-14

2. Abercorn Charters A p. 164.

7-6



This was obviously an attempt to place upon Sir Henry, as "apparent heir male", the responsibility for alleged debts due to the estate by Elizabeth's father and brother.

Again on 18th July 1750, the case was considered by the Lords. In this document they refer to the order to Sir Henry

"to enter heir male in general to Archibald and James within 40 days"

and therefore

"ought to procure himself retoured and infeft in the lands and barony as heir male in special to James and to deliver a right and valid disposition of the lands in favour of Mrs Betty Seton".

They issued a Decreet accordingly and, meanwhile, found it lawful for her to possess the estate.<sup>1</sup>

Sir Henry was, by this time, ill and continued to take no notice of legal documents.

On 13th Sept. 1750, another almost identical Summons was sent to him,<sup>2</sup> and finally, on 12th December 1750, a Decreet of Adjudication declared:-

"the lands, barony, heritable office .. to pertain and belong to Mrs. Betty Seton and the heirs male of her body; whom failing to the deceased Archibald's nearest heirs and assigns".<sup>3</sup>

Sir Henry died in August 1751, without complying with the Order to retour himself heir male of Touch.

Nothing more happened until 1st February, 1755. It appears that the new Sir Henry Seton, at that time a Captain in the service of the States of Holland, had applied to the Court of Session for permission

"to call for inspection of all writs, to the end he may deliberate whether he will enter heir or not to James Seton his predecessor, and whether the heritage will be harmful to him; against Elizabeth Seton ..."<sup>4</sup>.

1. Abercorn Charters A p. 165.

7-7

2. ib A p. 166.

7-8

3. Touch Charters T p. 60.

Q-16

4. Abercorn Charters A p. 177.

10-4



The Lords found that Sir Henry had no right "as apparent heir male in the estate" to call for further exhibition of documents.

The case of the male representation of the Setons of Touch, which had been raised in 1748 by Elizabeth Seton in her own interest as owner of the Estate, now became complicated by quite another issue.

As shown elsewhere, (see The Armourbearership), Sir Henry had already initiated proceedings claiming the heritable office of Armourbearership, and had taken legal opinion on a Memorial to the Crown; for this, it was obviously essential to prove that he was heir male of Touch.

Consequently, he decided to have himself retoured accordingly; and, on 7th October 1761 his lawyer, James Keay, wrote to him in America and told him the necessary action had been taken and carried through on 8th August 1761.<sup>1</sup>

From this time then, it has been officially recognised that the male succession of Touch had devolved on the Setons of Abercorn.

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ELIZABETH SETON 12TH OF TOUCH.

1724-1775.

Elizabeth, the only surviving child of Archibald Seton 10th of Touch, succeeded her brother James on his death in March 1742. She had been brought up by her aunt Liliass, and lived at Touch.

As stated in the note above on "The male representative of the Setons of Touch", she was retoured "heir of provision" to her father on 25th January 1743, in terms of the marriage contract,<sup>2</sup> and also to her late brother James, and to her great grandfather James Seton

1. Abercorn Charters A p. 178.  
10-13

2. Inquisitions, General LXVI - 329, 330;  
Touch Charters T T T p. 49.  
Q-1, Q-2, Q-3

8th of Touch; and on 17th February, she had a Charter of the Barony of Touch Seton in favour of herself and the heirs male of her body, whom failing to the nearest heirs of Archibald Seton.<sup>1</sup>

An Instrument of Sasine followed, dated 10th March 1743.

On 4th August 1743, she resigned Touch Mailler into the hands of the Superior, William Murray of Touch Adam, and had a regrant and sasine of them on 6th August.

No further reference is necessary here to the litigation which went on with her kinsmen of Abercorn, the third and fourth Baronets, in regard to the representation of the family or the Armourbearership, as they are dealt with elsewhere.

Her history, however, is of unusual interest, through her double marriage connexion with two well known Jacobite families, and with the events of "the '45". Unfortunately, her son in law, Sir Henry Stewart Bt. took over all the Touch papers in connexion with "the 45", with the object of utilising them in a history, and never returned them. He ultimately sold them to Robert Chambers.<sup>2</sup> There are therefore none now in the Touch Charter Chest.

In order to clear up the position, which resulted from her marrying successively two men with the Christian name of Hugh, who were first cousins, it is necessary to show graphically their relationship to each other and to some of the leaders of "the '45". This is done below.

To what extent Elizabeth herself held strong political views, we do not know. The troubled history of Scotland had depended largely, throughout the ages, on the unrecorded stimulation of their men folk by the women of Scotland; and Elizabeth must have been well aware of the fact that her father had "tholed his Assize" in connexion with one attempted Rising in 1708, and had been forced to flee the country in consequence of the part he played in another. It may perhaps be assumed that she was entirely sympathetic to the movement in which she had to play a part in 1745.

1. Reg. Mag. Sig. XCVII 285. 17 Feb. 1743.

2. "Lyon in Mourning" (Sco. Hist. Soc.) Vol. 1.  
Preface XX.

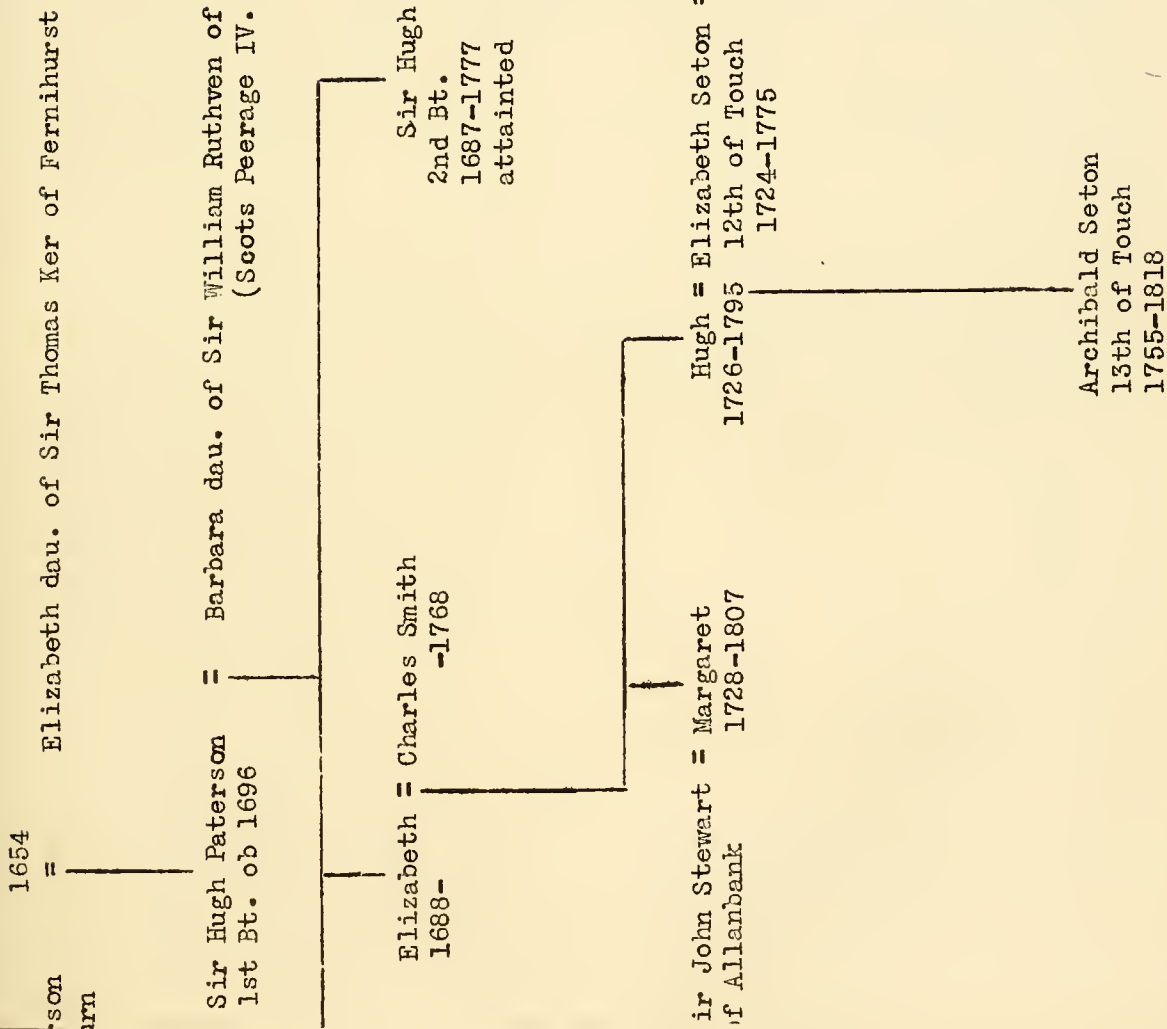
The family of Paterson of Bannockburn lived quite near Touch. The head of it in 1715 was Sir Hugh Paterson, second Baronet, who came out in the Rising of that year with his brother in law, John Earl of Mar, whose sister Mary Erskine he had married.

Sir Hugh had two sisters: one, Catherine, born in 1684, married a notorious Jacobite, John Walkinshaw of Barrowfield, who also "came out", fought at Sheriffmuir, was taken prisoner, and confined in Stirling. He escaped, with the assistance of his wife, who exchanged clothes with him. He then joined the Chevalier in France, and, in 1719 became the agent of his marriage with Princess Clementina Sobieska. Walkinshaw died in 1731, leaving a family of ten daughters, the youngest of whom was the historic character Clementina Walkinshaw; it was she who met Prince Charles Edward at Bannockburn House in 1746, and later followed him abroad and lived with him at Liège, where she had by him a daughter, who afterwards was known as Lady Charlotte Stuart, Duchess of Albany. Catherine Paterson died aged ninety seven in 1780.

Sir Hugh's other sister Elizabeth, born in 1688, married another ardent Jacobite, Charles Smith, who was a wealthy wine merchant in Boulogne and, incidentally, a Jacobite agent who played a great part in the events leading up to Culloden. He was one of the recognised channels of communication of the Party in Scotland with the Continent, and one of the few surviving Jacobite papers in the Touch charter chest, is a pass for Charles Smith dated 4th October 1745. a few days after the battle of Prestonpans, signed by a Justice of the Peace in Lancaster, authorising him, Marjoribanks and a servant "to pass through this County in their way to London".<sup>1</sup> He was on his way South to raise the English Jacobites. In April 1745 he acquired for his wife Skioch, Gardush and Blackhill, part of the forfeited Bannockburn estates;<sup>2</sup> he also took over the debts of

1. Touch Charters  $\frac{T}{R-1}$  p. 66.

2. ib ib  $\frac{T}{R-2}$   $\frac{T}{R-4}$  p. 67, 69.







Bannockburn "out of regard for Sir Hugh".<sup>1.</sup>

By this marriage Charles Smith had a son Hugh, and a daughter Margaret, who married Sir John Stewart of Allanbank.

Sir Hugh Paterson had two children, a son Hugh, and a daughter Mary, who married David Rollo of Powhouse.

In November 1742, Elizabeth Seton married Hugh Paterson who, under the disposition of Archibald Seton of Touch in 1721, had to assume the surname of Seton. She had a post-nuptial contract of marriage on 24th March 1743,<sup>2.</sup> under which, in the event of a family arriving, or of there being no family, Touch was to pass to her heirs, and Bannockburn to the heirs of Hugh Paterson.

Hugh died on 23rd September 1743, leaving no issue; and his widow went to live at Bannockburn House, in a circle of covert Jacobitism.

There is no evidence that old Sir Hugh took any active part in the preparations for the '45; but Charles Smith was busily engaged, at home and abroad, in conveying letters for Murray of Broughton to the Duke of Hamilton, the Earl Marischal and to the English Jacobites,<sup>3.</sup> and there is no doubt Bannockburn House was well aware of what was going on.

In her early widowhood, Elizabeth, became engaged to Hugh Smith, son and partner of Charles Smith, and cousin of her first husband, Hugh Paterson. The marriage took place at Linlithgow on 21st September 1745, the day of the battle of Prestonpans, and the news of the battle was brought out from Edinburgh by Charles Smith.

The officiating clergyman entered the marriage in the Register of Old St. Paul's Church, Edinburgh, with the following note:-

"N.B. Just before this office began Mr Charles Smith brought account of the compleat victory

1. Touch Charters  $\frac{T}{R-5}$  p. 70;  $\frac{T}{Q-11}$  p. 56.

2. ib ib  $\frac{T}{Q-9}$  p. 54.

3. Memorials of John Murray of Broughton 22, 51, 117, 125, 132.

obtained this morning at Gladsmuir by the Prince's Army over that commanded by General Cope. "Glory to God in the Highest".

The Prince's army had passed through Touch a few days previously, and there is no doubt he himself slept there on the night of 13th September, and not - as stated by Dr. Blaikie - at Leckie House.<sup>1</sup> The sheets in which he slept, a quaich used by him, and a small snuff mull he gave to a servant, were preserved in Touch until its sale in 1928, and were given by Sir Douglas Seton-Stewart to Sir Bruce Seton. It is known too that a considerable body of troops, including Lochiel's men and the Macgregors, were accommodated there that night.

Elizabeth must have met the Prince again on his return from Glasgow, when his headquarters were at Bannockburn House, during the Siege of Stirling; and, years later, he sent her a ring as a memento, now in the possession of Sir Bruce Seton.

Her husband Hugh Smith who, under the Entail, had taken the surname of Seton, took no part at all in the Prince's campaign. This was certainly not due to lack of courage, but to the complications that would have arisen had he taken up arms while his father was trying to preserve an incognito as a Jacobite agent with the army. As will be shown later, his sympathies were entirely Jacobite.

Elizabeth's first husband, Hugh Paterson, by the marriage contract of 24th March 1743,<sup>2</sup> resigned the lands and barony of Bannockburn, the estate of Skioch and others, in favour of himself and "Betty Seton" in conjunct fee and heirs male, failing whom to heirs female, and failing these to his sister Mary Paterson. On his death the property passed to the latter, but was heavily encumbered. The debts were acquired by Charles Smith, who, in contemplation of Elizabeth's marriage to his son Hugh Smith, handed over to them in

1. Blaikie: Itinerary of Prince Charles Edward 13.
2. Touch Charters T p. 52.

conjunct fee the lands of Skioch, and the rights on the lands of Bannockburn, up to a total value of £8000.<sup>1</sup>

By her marriage with Hugh Smith, Elizabeth Seton had three sons and three daughters, all of whom bore her surname.

1. Charles, born 1753, died 1772. He had always been delicate, and was sent abroad. He probably died of Tubercle.

2. Archibald who succeeded his mother as 13th of Touch.

3. James. He was probably the youngest of the family and born after 1756. After being educated in Hamburg, his father sent him to a business house in St. Petersburg, where he remained for some years. Finding his prospects there poor, he went out to India, where his most generous brother Archibald started him with a capital of Rupees 40000, hoping that he would invest it so as to obtain at least £10,000 in 6 years.<sup>2</sup> He gambled with the money and lost it, and then borrowed money. As he was unlikely to make a career in India, his brother sent him home at the end of 1808. His ship was wrecked on the voyage, and he was drowned, leaving debts to the extent of Rupees 78,000, which his brother had to meet.

4. Elizabeth born 1751. Died young.

5. Barbara born 1754. She married a merchant, Lewis Brotherson, of St. Kitts in the West Indies. He died and left her very badly off, and her brother helped to support her. On his death she succeeded as 14th of Touch. She is dealt with later.

6. Lilias born 1756. On 16th April 1786, she married Henry Stewart of Allanton, who was created a Baronet on 22nd May 1815.

They had a daughter, Elizabeth Margaret, born 31st August 1790, who, as will be shown below, ultimately succeeded her aunt Barbara in the Touch estates

1. Touch Charters  $\frac{T}{Q-15}$  p. 59 and  $\frac{T}{Q-17}$  p. 61.  
 2. do.  $\frac{T}{Q-1}$  p. 123.

in 1835, and her father in those of Allanton in the following year.

Lillias carried on a regular correspondence with her brother Archibald while he was in India. Her husband practically administered Touch for him, and lived there as much as in his own house. She was a martyr to rheumatism and was completely crippled for many years, dying on 4th July 1821.

Sir Henry survived her until 1836. He was a great authority on forestry and wrote a book on the subject; the planting of the Touch estates, and the placing of Archibald's affairs in a sound financial position, were largely his work.

Elizabeth Seton of Touch died in February 1775, and was buried at St. Ninians. As her children were paternally Smith, she was herself the last of the main line of Seton of Touch.

During her married life, very great changes in the house and the property were carried out by her energetic husband, to his own financial undoing. Hugh Smith or Seton was indeed such a remarkable man that he must be dealt with separately.

#### The heritable office of Armourbearer and Squire of the Royal Body.

It is necessary now to consider the heritable office of Armourbearer, which has been vested in the family of Seton of Touch, certainly since the time of Sir Alexander Setoun de Tulibody, who died at Flodden in 1513, and probably earlier.

As time passed, the conditions of tenure of the office changed, and, in the life of Elizabeth Seton, 12th of Touch, and of her contemporary Sir Henry Seton, 4th Baronet of Abercorn, the rival claims to the honour aroused bitterness of feeling, which affected the relations between the two branches of the family for generations.



It will be shown that the right to the exercise of the office was inseparably connected with the holding of the Barony of Touch-Seton, and this was complicated by two matters, viz.

a. The mistake made in the Retour of Elizabeth's brother James, 11th of Touch when he was shown as heir male to his father under the old Investitures, instead of as "heir of provision" under the Marriage Contract of April 1721.

This has already been dealt with under the subject of "The male representative of the Setons of Touch".

b. The sordid desire for the fees of the office, which amounted to £200 a year, with arrears from 1688.

For this it may probably be stated definitely, that Elizabeth was not to blame, but her husband Hugh Smith or Seton. At the time of his bankruptcy, after his wife's death, he repeatedly tried to recover the fees and even to use the Armourbearership as a thing to borrow money on. Personally vain as he was, the office, even though he exercised it only as substitute for his wife, gave him gratification; but the documents in the Touch charter chest show that the fees were to him at least as attractive.

#### The early history of the office.

In a charter dated March 1425/26, Alexander Setoun, Dominus Gordoun signed his name as "Gentifer Regis".<sup>1</sup> This would be the earliest reference to the office, if it were certain that the "Scutifer" were identical with the Armourbearer. It is more than doubtful if it was, as other individuals, about the same time were also so styled. It is possible the custom was always to have a "Scutifer" in waiting on the King for a limited period.

We get to surer ground when we find his grandson, Sir Alexander Setoun de Tulibody, in a Charter of 9th November, 1488 styled by the King "Armigerum nostrum",<sup>2</sup> when he was granted the office of Sheriff of Stirling.

1. Reg. Mag. Sig. 38/40. March 1425/26.

2. Touch Charters T p. 6.



It has been stated that even this style did not necessarily imply "Armourbearer".

It is however, known that Sir Alexander's son, Sir Alexander, who was killed at Flodden in 1513, was Armourbearer, and is specifically referred to as such in 1753, in a charter of the office to Elizabeth Seton.<sup>2</sup> No contemporary documentary proof of the fact, however, is available, if it exists at all.

Then follows a period during which there is no reference in the family charters to the existence of the office; but on 8th April, 1651 Charles II gave a precept for a Diploma,<sup>1</sup> (which did not pass the Great Seal until his Restoration) in which it is narrated:

"that the deceast Alexander de Seatoun de Tullibody and his descendants performed great services to our most illustrious predecessors; and that the said Alexander received, by gift of Our most distinguished great great grandfather (James IV) the reward and office of Armour bearer and Squire of the Royal Body to him and his successors heritably" This Charter of Novodamus to James Seton, 8th of Touch, makes it quite clear that the office was conferred on Alexander before 1513, and had continued in the family heritably.

In the lifetime of the same James, the King extended his favour by granting him, under the Privy Seal, a "yearlie pensioun of £300 sterling .. and to James Seatoun his eldest sone, and the longest liver of them "two".<sup>2</sup> This charter was dated at Hampton Court 30th May 1662, but only passed the Privy Seal on 22nd June 1672.

It will be observed that, if the words meant as they were written, the pension only covered the life times of James 8th and 9th of Touch.

James 8th of Touch died in 1680, and, on 19th October 1681, his son James had a Charter of Novodamus,

- |    |                |            |        |
|----|----------------|------------|--------|
| 1. | Touch Charters | <u>T</u>   | p. 26. |
|    |                | <u>L-8</u> |        |
| 2. | ib             | <u>T</u>   | p. 27. |
|    |                | <u>L-9</u> |        |

confirming to him the barony of Touch Fraser and of Gargunnoch, and also the heritable office of Armour bearer.<sup>1</sup>

But the Charter went further, in stating that:

"We, by this Charter, have given to James Seton and his heirs male of the body, whom failing to his heirs male general and assignees, all the lands and barony of Touchfraser, which we order to be called Touch Seton in future .. with the lands of Gargunnoch, and with them the office and post of Armour Bearer".

It also states, with reference to the Charter of 30th May 1662, that the salary of £300, "for the maintenance of servants and horses", would in future be £200 to himself and his heirs male and assigns; and finally repeats that

"We have created the lands and barony of Touch Fraser, and the heritable office, into the free barony of Touch Seton."

This Charter was "written to the Great Seal 2nd March 1682". It definitely establishes the fact that the office of Armourbearer formed part of the barony of Touch, and that they were to devolve on heirs male general in the event of failure of heirs male of the body.

It was this Charter which caused the legal actions taken by Elizabeth Seton against the two Sir Henry Setons, 3rd and 4th of Abercorn, already dealt with.

In November 1702, Archibald Seton, 10th of Touch, was retoured heir to his father in the lands and barony of Touch Seton "along with the heritable office".<sup>2</sup> His father, having declined to recognise the new succession after the departure of James II was, it is said, deprived of the £200 salary; and apparently neither Archibald nor any of his successors ever drew it again.

1. Touch Charters T p. 28.

N-1

2. ib T p. 32.

N-1

Alteration of the destination of the Armourbearership.

It is a fact that Archibald Seton, who was an active Jacobite, was bitterly incensed with the action of Sir Walter Seton, second baronet of Abercorn, in espousing the cause of William and Mary, and was determined to disinherit that branch of the family. This was well known to Sir Walter's grandson, Sir Henry, who stated it in his Memorial to the Crown regarding his right to the office, dated 12th June 1761.<sup>1</sup>

When Archibald married in 1721, he resigned the "lands, heritable office, and pension annexed thereto" for new infeftment in favour of himself and heirs male of his body; failing which, to his brother George and his heirs male; failing which, successively, to his own eldest daughter and her heirs male, and then to his other daughters, and then to his sisters Liliass and Grisell and their heirs male; and finally "to my heirs "male whatsoever".<sup>2</sup> And in his marriage contract of 27th April 1721,<sup>3</sup> the same destination appears, with

"the said Archibald's heirs and assigneys whatsoever"

substituted for the previous closing provision.

In due course Archibald's daughter succeeded her brother James, who died in 1742, and was retoured as "heir of provision" to her father, and heir to her brother and her great grandfather. When she married Hugh Paterson in 1742, the contract, which is dated 24th March 1743, states that she resigned the barony of Touch, "as also the heritable office" in favour of herself and her husband "in conjunct fee, and to heirs "male, failing which to heirs female".<sup>4</sup> She also assigned to him "the bygone and future salaries of £200 "as heritable Armourbearer".

Her first husband having died in 1743 she married Hugh Smith in 1745; the marriage contract is missing, but probably it contained the same provisions. Three

1. Abercorn Charters A p. 178.

10-11

2. Touch Charters T p. 37.

N-8

3. ib T p. 38.

N-9

4. ib T p. 52; T p. 54.

Q-5

Q-9

years later she and her husband Hugh started the litigation against Sir Henry Seton, 3rd Baronet of Abercorn, as "heir male of the deceased Archibald Seton and of "James Seton his son"; this continued until Sir Henry's death in August 1751. In this litigation, which has been dealt with elsewhere, the heritable office was included, along with the lands and barony of Touch; and Sir Henry was required to retour himself heir male to them formally, and then to resign them to Elizabeth Seton as heir of provision.<sup>1</sup>

Sir Henry took no action at all, but on 6th August 1753, Elizabeth obtained a Royal Charter, disponing to her and her husband in conjunct fee, and successively to heirs male and heirs female, the lands and barony and the Armourbearership. There was also a proviso that, in the absence of heirs male or female, or a nomination in writing "under her hand", they devolved on "her own nearest heir male".<sup>2</sup>

#### The Touch-Abercorn controversy.

For a time nothing more was heard of the Armourbearership, but, in June 1753, Sir Henry Seton, 4th Baronet intervened. With the assistance of his uncle, Robert Seton, he drew up a Memorial to the Crown,<sup>3</sup> stating:-

"My humble suit is that the Grant of 1681 of the heritable office may, by His Majesty's grant and favour, be renewed to him as heir male of the family of Touch, to whom that office has now devolved".

Sir Henry made no reference at all in the Memorial to the fact that the heritable office formed part of the Barony of Touch, and that the original destination to heirs male had been changed by the action of Archibald Seton in his marriage contract of 27th April 1721, already referred to. He also ignored the Royal Charter to Elizabeth, dated 3 August 1753. By those two

1. Touch Charters T p. 60.

Q-16

2. ib T p. 63.

Q-19

3. Abercorn Charters A p. 178.

10-11



instruments, the Barony and Armourbearership together were entailed to a large number of possible successors, before the question of their reverting to the Setons of Abercorn as "heirs male general" of Archibald, or "nearest heir male" of Elizabeth Seton, could come into consideration.

The Memorial was sent by Sir Henry's agent to London, - he himself being at the time with his regiment in America. Along with it was a blank commission by Sir Henry, appointing an individual not named

"to appear in my name at the Coronation of His present Majesty George III ... and taking place in the procession".

This commission is dated South Carolina, 1st March 1761.<sup>1</sup>

Writing to him later, on 7th October 1761, James Keay, Writer informed Sir Henry:-

"your claim was refused, as we could not get a proof of the Armourbearer being in use to walk at Coronations - for, the Registers being long ago burnt, it was impossible to get a proof".<sup>2</sup>

The Agent in London, writing to Keay, on 17th September, 1761 added

"The propinquity of rights were not disputed".

Sir Henry appears to have completely dropped the matter, until 1785 when it was the turn of Hugh Seton to raise it again, as now narrated.

Elizabeth Seton of Touch died in 1775, her eldest son Archibald was abroad completing his education, and her husband Hugh Seton was in London, from which place he conducted his wine business in Boulogne. The condition of Hugh's affairs was beginning to embarrass him; he owed, at the time, £54,000 and had assets estimated at £28,000, and, as life renter of the Estate, he decided to claim the Armourbearership fees, which

1. Abercorn Charters A p. 178.

10-12

2. ib

A

10-13 p. 178.

had lapsed in 1688. Accordingly, he drew up a Memorial in March 1777, and sent it to his kinsman, Baron Moncrieffe for opinion. <sup>1</sup>.

Baron Stewart Moncrieffe expressed doubts whether the office of Armourbearer could be regarded in any other light than "the dignity of a Knight, which a female never can enjoy", and whether the destination was not to heirs male, as originally laid down in the charter of 1651. He was also doubtful whether the Crown would recognise any heritable office in Scotland, which was not claimed at the Union.

Hugh Seton was evidently impressed, and took no steps at all until September 1785, when his financial position was a desperate one, and he was within measurable distance of bankruptcy. He then raised a "summons of Declarator" in the Court of Session against Sir Henry Seton as heir male, and against the Officers of State.

Sir Henry took legal opinion, and the Lord Advocate, on 12th Feb. 1787, expressed the following views:

"The office .. was comprehended both in the Contract of Marriage and in the Charter and Infestment expedited by Mrs Seton in 1743. We are therefore of opinion that a prescriptive right has been established to it as well as to the Barony. There was nothing to prevent Archibald Seton from altering the destination of the office by his Contract of Marriage from heirs male to heirs whatsoever".

They therefore advised Sir Henry not to appear. <sup>2</sup>.

Hugh Seton, however, put in a demand for the salary; the Judge, Lord Braxfield was clear that it could not be demanded. Commenting on the case Mr. David Erskine, brother of the Lord Advocate, told Sir Henry the case had been brought by Hugh Seton

"with a view to lay a foundation for a claim for the Salary".

Meanwhile the "Officers of State" had considered Hugh

1. Touch Charters T p. 88.  
S-56

2. Abercorn Charters A to A p. 178.  
10-14 10-17

Seton's Memorial. In reply to the order of the Court of Session to give in their objections, they produced, in 1786, a most remarkable document in which they say:

"1. There appears no grant of any such office to Alexander Seton.

2. The designation of "Armiger" in 1488 is no evidence of any such grant.

3. The whole subsequent titles are mere impositions on the Crown, and void, according to the law of Scotland as proceeding on obreption and surreption, concealing truths and telling falsehoods.

4. The King for the time being has no power to create an heritable office to burden his successor with a salary.

5. The pretences to this office were never confirmed by positive proscription, and are now totally at an end by negative proscription.

6. If any such office existed it should belong of right to the heir male of the family to whom it was granted by the charter of 1681, and there is no grant under the King's hand since that time varying that destination".

All this legal argument, however, was of no avail to stop Hugh Seton. On 30th July 1785, the London Gazette contained the following announcement:

"St. James, July 30th. Yesterday Hugh Seton Esq. was presented to the King, and had the honour to kiss His Majesty's hand as hereditary Royal Armourbearer and Esquire of His Majesty's person".<sup>1</sup>

In a letter to his son Archibald in India, dated 21st August 1785, Hugh Seton wrote:

"I have got a restoration of the office and honours of Armourbearer, after a long struggle with Mr. Pitt ... however, by dint of perseverance and some good friends, the King agreed to recognise the office in me, for you, and I was accordingly presented to the King and Queen".<sup>2</sup>

1. Touch Charters T p. 89.

S-58

2. ib T p. 91.

S-59

It is interesting to note that, the day after this presentation, the first meeting of Hugh's creditors took place in Edinburgh; a few months later, on 22nd November 1785, he wrote to his son Archibald from Dover Castle, where he was imprisoned for debt.<sup>1</sup> In July 1786, Hugh left the country and became a vagabond on the face of the earth until his death in May 1795. During his wanderings he was crushed by his misadventures, and, if he had been a Gaelic speaker - as he may have been - he might well have appreciated the significance of the old piobaireachd "Fhuair mi pòg o laimh an "Rìgh" - "I got a kiss of the King's hand" - but still failed to get a pension.

Where he went wrong was, not in trying to secure the Armourbearership as life renter of Touch, for his son, but in giving a bond of £10,000 on the security of the lands and barony and the fees of the office.<sup>2</sup> He knew perfectly well before he went to St. James Palace, that his presentation was contingent on a promise to Mr. Dundas, that he would not claim the salary.<sup>3</sup>

Hugh's son Archibald, 13th of Touch, drew up a Memorial<sup>4</sup> to the King in 1795 and sent it to his Commissioners, Henry Stewart, his brother in law, and Sir William Forbes Bt. for disposal. In this document he refers to his father's Memorial and ends with the petition:

"he most humbly hopes he is not too presumptuous in requesting a renewal of the salary of £200".

This request was not actuated by greed. No more generous man than Archibald could have been found; but at the time he was making desperate efforts to redeem the burden of £30,000 on the estate of Touch.

The Commissioners did not send on the Memorial; they had inquiries made from Mr. Dundas (afterwards Viscount Melville) as to the expediency of doing so, and received the reply that:-

- |                   |                  |            |                  |        |
|-------------------|------------------|------------|------------------|--------|
| 1. Touch Charters | $\frac{T}{S-29}$ | p. 82, and | $\frac{T}{S-40}$ | p. 84. |
| 2. ib             | $\frac{T}{S-39}$ | p. 83.     |                  |        |
| 3. ib             | $\frac{T}{T-2}$  | p. 112.    |                  |        |
| 4. ib             | $\frac{T}{T-1}$  | p. 112.    |                  |        |



"no such application could be listened to". Writing on 24th February 1796,<sup>1</sup> Stewart told Archibald that his father Hugh Seton "gave it under his hand in "a letter to Mr. Dundas, that no salary would ever be "claimed by him"; and this was confirmed by Sir William Forbes.

Archibald dropped the matter, and never raised it again.

After his death in 1818, his sister Barbara succeeded him as 14th of Touch; and she, on her death in 1835, was succeeded by her niece Elizabeth, daughter of Sir Henry Stewart Bt. and Lillias Seton, who thus became 15th of Touch. On her father's death in 1836, she succeeded also to Allanton. Under the special remainder of his baronetcy, the title devolved upon Elizabeth's husband Ranald or Reginald Macdonald of Staffa, who, with his wife, had to assume the surname of Seton-Stewart.

Meanwhile, Sir Henry Seton 6th Baronet of Abercorn had taken the opinion of John Riddell in 1820. That eminent authority advised Sir Henry to put in a claim to appear at the Coronation of George IV.

"under the Royal Charter of 1681, which is under the Sign Manual and exclusively to heirs male, while the present family of Touch only hold the office by an Exchequer Charter and Infestment". He accordingly, being unable to leave his military appointment abroad, appointed Major John Belshes to be his proxy

"to protest that Sir Henry's absence shall not prejudice his right and claim to the Honour, but that it should be reserved to him, notwithstanding a claim should be made by any other person and the office performed by them".<sup>2</sup>

No reply to this protest appears to have been received,

1. Touch Charters T p. 112.  
T-2

2. Abercorn Charters A and A p. 216.  
16-3 16-4

but, on 3rd May 1824, the Lord Advocate told Sir Henry that "Mr. McDonald of Staffa", had presented a petition to the King praying that he might be appointed Armourbearer "in right of his wife". This had been referred to the Advocate for opinion. Sir Henry, who was still abroad, replied that, as heir male of Touch, he himself "must have an undoubted right to the office".

What happened in this particular case is not clear, but, at Queen Victoria's Coronation in 1837, Lady Elizabeth Seton-Stewart was represented as Armourbearer by her husband.

The fact that "Mr. McDonald of Staffa" should thus have established himself, may well have been due to his friendship with Sir Walter Scott, who was a great personal friend.

On 7th August 1876, Lady Seton-Stewart's son, Sir Henry Seton-Stewart, 3rd Bt. of Allanton was officially summoned to the unveiling of the Prince Consort's statue by the Queen, in Edinburgh.<sup>1</sup>

In 1910 his nephew, Sir Alan Henry Seton-Stewart, 4th Baronet sent in a claim to be summoned to the Coronation of George V. The commissioners<sup>2</sup> adjudged "that no order be made on the claim". The following year, however, he was summoned to the Court at Holyrood as "Hereditary Armourbearer".<sup>3</sup>

It must be noted that from 1867, when Sir Henry Seton, 6th Bt. of Abercorn died, up to 1920 no attempt was made by his successors to challenge the right of the Seton-Stewarts to hold the office.

In July 1920 however, when Sir Douglas Seton-Stewart, 5th Bt. of Allanton appeared at Holyrood officially, Sir Bruce Gordon Seton at once challenged his right in a communication to the Lord Lyon,<sup>4</sup> and asked that his protest, as heir male of the Setons of Touch, be officially recorded, pending a reference to the Lord Chamberlain.

- |                      |           |         |
|----------------------|-----------|---------|
| 1. Abercorn Charters | <u>A</u>  | p. 216. |
|                      | 16-5      |         |
| 2. Touch Charters    | <u>SS</u> | p. 130. |
|                      | B-1       |         |
| 3. ib                | <u>SS</u> | p. 132. |
|                      | 13-3      |         |
| 4. Abercorn Charters | <u>A</u>  | p. 264. |
|                      | 26-28     |         |

Subsequently, Sir Bruce had it intimated by Mr. W. Lowe W.S. to Sir Douglas that he would not challenge the latter's claim during Sir Douglas' life time; but would leave consideration of the position to a later date.

Sir Douglas died in 1930, and, with him, the whole of the descendants of Elizabeth Seton-Stewart and Ranald Macdonald disappeared, with the exception of Lieut. Col. Henry Stewart Lockhart-Ross, son of their daughter Isabella Seton-Stewart and the Rev. John Lockhart-Ross.

The question obviously arises whether, in this year 1931, Col. Lockhart-Ross is de jure Armourbearer.

It must be borne in mind that the claim of the later Setons of Touch, and their descendants the Seton-Stewarts is based on the facts that:-

a. The armourbearership was merged in the Barony of Touch Seton by Charles II, in the charter of 19th October 1681.<sup>1</sup>

b. The succession to the Barony of Touch, with the armourbearership, was altered by Archibald, 10th of Touch in 1721, so that failing heirs male of his body, they devolved on heirs female.<sup>2</sup>

On that dual claim, the descendants of Archibald Seton, 10th of Touch have successfully founded.

But, before his death, Sir Douglas sold Touch, and thus broke the connection between the Barony and the Armourbearership; moreover he deliberately excluded the latter in the conditions of the sale. Presumably, therefore, the office reverts automatically to the Setons of Abercorn, with effect from the date of his death.

As this point is not worth contesting at the moment, there can be no question that on the death of Col. Henry Lockhart-Ross, it will certainly revert to the head of the Setons of Abercorn at the time.

1. Touch Charters T p. 28.

M-1

2. ib T p. 37

N-8

HUGH SMITH or SETON.

1722-1795.

This remarkable man, the second husband of Elizabeth Seton of Touch, deserves special notice, not only for the influence he exerted on the fortunes of the family of his adoption, but on account of his outstanding ability.

By breeding and upbringing he was an adventurer; immensely energetic, mentally and physically, as a merchant and as a landed proprietor, he effected great improvements in the business he inherited, in his wife's property of Touch, and in the estate of Appin which he bought. But he took heavy risks in speculating with his own money, and, unfortunately, with that of his friends and relations, over a period of 40 years, and, in the end, failed for a hundred thousand pounds, landed in a debtors prison, and suffered sequestration of his property.

He only just missed becoming a very wealthy man; but the economic and political conditions were against him, and he was driven to borrowing on assets which were already heavily mortgaged. Judged by the standards of today, there can be no doubt that he repeatedly rendered himself liable to criminal proceedings. The position he found himself in was expressed clearly in a letter<sup>1</sup> dated 9th December 1785, from Baron David Stewart-Moncrieffe, his kinsman:

"The loud cry against you is for borrowing large sums of money from your friends, by assuring them that you had full powers to charge the estate of Touch, which does not appear to be the case; for my part, I am willing to believe that you thought your powers were sufficient, having always respected you as a man of honour; and till I have convincing proof of the contrary, will continue to subscribe myself

Yr. most faithfull Etc."

1. Touch Charters T pp. 82, 83.  
S-31



Plausible he must have been, to a high degree, and perhaps his actions were not always restrained by nice scruples; but no one who has read his papers and pieced together the details of his adventurous life could deny that, in foul circumstances as in fair, whether poor as a mendicant or rich enough to send expensive presents to English actresses and German Dukes, he was a man whose personal popularity was extraordinary. And, although censorious creditors said hard things of him, and his social world dropped him, no word of blame appears in the letters of his children, who were all devoted to him.

Hugh Smith was probably born in 1722. His father, Charles Smith, was a very successful wine merchant in Boulogne, whose wife, Elizabeth Paterson, was a sister of the attainted and forfeited Sir Hugh Paterson Bt. of Bannockburn. During the period between the 1715 campaign and that of 1745, Charles Smith was an active agent of the Jacobite Court at Rome, and in constant communication with the party leaders at home.

As a young man, Hugh became a partner in his father's business and succeeded to the management in 1745. Most of the foreign work was done by his partner Theodore Hay, but he himself was often abroad on the Continent. His home, prior to his marriage, appears to have been Bannockburn House, with his uncle Sir Hugh Paterson; and it was there he met Elizabeth Seton whose first husband, Hugh Paterson, had died in September 1743. Hugh Smith became engaged to marry her before March 1744, when he had a letter from his friend Sir John Cope, in the following terms:

"I was glad to hear you was about to marry. I think nothing shows a man's courage or sense of a Providence than it, for I have long been of opinion that all Batchelors above 21, in a country where there is no want of women of their own colour, are Atheists, and that it is the want of religion and true courage which hinders them from marrying ... I agree to a very ancient notion that Wives are young men's mistresses, companions for middle age, and old men's nurses".<sup>1</sup>.

This letter suggests that Hugh had friends in Hanoverian as well as Jacobite circles; and it is a curious coincidence that Hugh's marriage took place on the day of the battle of Prestonpans.

When he married Elizabeth Seton, Hugh found that the Touch estate was producing about £500 a year, that it had been largely neglected, and that the state of agriculture was deplorable. To this he turned his attention. He introduced new methods and brought the revenue of the estate up to £2000 a year; he practically rebuilt the house, leaving the old Fraser tower untouched, but extending the old part of the building to its present dimensions, and laid out and enclosed the policies. All this cost him £15000, which he raised by loans.

Not content, however, with being the husband of a landed proprietor, he decided to buy an estate for himself, and, in 1766 he bought the estate of Appin in Argyllshire for £13,500. Having done so he spent considerable sums of money on it, in making roads and building bridges.<sup>1</sup> The estate consisted of about 30,000 acres and a mansion house, and was valued in 1785 at £22,000. At that time £4,200 of the purchase price was still unpaid, and the Drummond's banking house had a bond on it for £10,000. But the investment was not a bad one, as, after the sequestration of Hugh Seton's estate, in 1788, the estate was sold for over £41,039.<sup>2</sup>

The main interest of Hugh's business life, however, was the French wine trade, which at one time brought him in over £4000 a year. But, as the years passed and he began to take an increasing interest in social and political life in London, things went wrong.

Writing to his son on 6th July 1785,<sup>3</sup> just before his failure, he said he had come under an engagement for

1. Forfeited Estates Papers (Sco. History Soc )  
275-277.

2. Touch Charters T T T T pp. 82-86.  
S-24, S-28, S-34, S-48

3. ib T p. 82.  
S-27

his brother in law, George Pawson, and had been called on to pay £10,000; also, that he entrusted £10,000 worth of wines to an agent, to be sold "to the English "Army and Navy then in America". The agent was successful enough but kept the money, and "retired from "prosecution amongst the Americans". Certain banking failures, too, had brought up his losses in the business to £30,000. For these disasters misfortune was responsible.

There was, of course, another side to the question how he came to be in financial difficulties. When his wife died in 1775, Hugh settled down in London and had there continued the rather magnificent manner of life to which he had become accustomed.

As an example of this, in 1768, having obtained an introduction to the Duke of Mecklenburg-Strelitz, he paid him a visit and, on his return, sent him a four-horse English travelling carriage as a memento.<sup>1</sup> Again, a friend of Hugh, one William Barton of Bordeaux, writing to him in 1786 to sympathise with him on the failure of the business, played the part of Job's comforter by telling him he<sup>2</sup>.

"had given in to great extravagance by open house keeping in Scotland, and dissipating his private property by expensive presents to women, particularly to Mrs. Siddons, of a fine chariot, a watch, and getting her picture set in diamonds".

The bankruptcy proceedings, initiated by a meeting of Hugh's creditors at Edinburgh on 31st August 1785, † lasted over a long period. The damning fact came out that, before his son Archibald went out to India in 1780, Hugh had induced him to give him a factory or commission for managing his affairs, including power to borrow money for the betterment of Touch, the money required being raised on heritable bonds on the estate. Taking advantage of this commission, he raised money to the extent of £28,000 in Archibald's name, and thereby

1. Touch Charters T p. 77.

S-17

2. ib T p. 83.

S-34



beggared him and the Touch estate for some 30 years.

But, in addition to this public exposé of his actions, Hugh was suddenly subjected to the disgrace of being arrested by a creditor Colin Mackenzie, and incarcerated in prison at Dover, in November 1785.

Although this imprisonment lasted only a short time, it completely altered Hugh's outlook on life; he waited for no repetition of the treatment, but went abroad, never to return; and, during the remaining 10 years of his life, a vagabond, he showed qualities which he had never exhibited up to that time.

Before tracing his subsequent career, however, it is necessary to digress, and to note some rather unexpected Jacobite activities which suggest that, like his father, Hugh may have been in closer touch with Prince Charles Edward than has been suspected.

Soon after his wife's death, in October 1775, Hugh went to Turin, and was most graciously received by the King of Sardinia, who was well acquainted with his uncle James Paterson, General in the Sardinian army. The King presented him with a gold snuff box.

He then went to Florence, apparently to ascertain the status of Charlotte, daughter of his cousin Clementina Walkinshaw by Prince Charles Edward. From correspondence between him and the Prince's wife, Louise of Stolberg, in December and January 1775/1776,<sup>1</sup> it appears that Hugh had sent a letter to the Prince - or King - raising the question of the recognition of his daughter and her mother, and urging him to take action.

On 3rd December 1775, the Princess wrote in indifferent French to Hugh:-

"La lettre, que vous avez laissé au Roy l'a extrêmement me contente. Il ne vent rien faire pour la Demoiselle dout vous lui avez parlé".

She then pointed out that she herself had often spoken to the Prince, but with no success. The ladies were unlikely to obtain the recognition they desired by persecuting him,

1. Touch Charters T to T pp. 78-80.  
S-18 S-21



"et il est très résolu, si elle voulait venir ici, de s'adresser au Gouvernement pour les faire partir".

Hugh sent two letters to the Princess in reply, and one to the Prince. He addresses them both as "Your Majesty" and apologises for having given grounds for displeasure. At the same time, he tells the Prince quite candidly that

"I was consulting Y.M.'s honour most essentially, as well as your interest with several of your friends on the other side of the water".

To the Princess he says, in a letter written in French, that Catherine Paterson, the mother of Clementina Walkinshaw was allied to the best families in Scotland, and that many people in England, knowing the Prince had at one time recognised his daughter, could not understand his present attitude towards her. The Prince's silence has done him harm.

This correspondence was not continued. Clementina and her daughter had been in Rome in 1773, and had been compelled to leave; it was not until 1783, that Charlotte was sent for by her father and accorded recognition.

The letter from Hugh to the Prince, also reveals the fact that he was concerned in sending correspondence from him to England, and that he was going to execute certain commissions for him on his arrival there.

### The Odyssey of Hugh Seton.

A short time before he left home for good, Hugh dropped his name and adopted the style of "Christopher Robarts" or "Roberts" which he never altered, even in correspondence with his son. He was so completely defeated by circumstance, and the prospect of even a partial recovery of his son's estate from the grasp of the creditors was so remote, that he decided to cut himself adrift from his native land and to wander.

His journeyings, all described in detail in letters to Archibald and in memoranda, read as a romance. Disappearing from London after July 1786, he went to Leghorn,

Tunis and Alexandria, and reached Cairo in January 1789. Here he met some Abyssinians who had apparently been consecrated Bishops, and were returning home. At first he decided to accompany them, but thought it would be better to go to Mocha first for a short time, to study trade conditions there. After some months residence there, he adopted the Arab dress and started off in a trading dhow to Massowa, the port of entry into Abyssinia. Finding he had not enough money to bribe the Pasha to allow him to pass, he returned to Mocha in January 1790. A second attempt to enter Massowa was equally unsuccessful, and he found himself in Hodeida.

Here, being short of funds or articles which he could pawn, he gave out that he was a "hakim" or doctor, and, to use his own words, was "teazed to death" for medicines. A difference of opinion with a man, whose wife he had cured, about the fee to be paid, resulted in an assault on the man by Hugh. He was immediately imprisoned, beaten, starved and robbed of all his possessions. After a few days he was released, and vainly attempted to interest the French representative at Mocha in his case.

So he determined to make his way to India, and to lay his case before the Governor of Bombay, or the Governor General; incidentally, he wished to give them the benefit of his views on the trading facilities in the Red Sea. His first step was to write a detailed report of his own wanderings, and the Hodeida incident, in which he said that if coercive measures were not taken, to punish the Governor, "there will be no safety for any "European". He concluded:-

"This is a critical moment to give this town a severe check, as their insolence has much increased since they have forgot the treatment the town of Mocha received from a French frigate for having refused to fulfil some money engagement, and what the "Coventry" frigate did when they refused to let them water .... If we mean to secure peaceable trade

with the Yemen, we must compel the inhabitants to behave well, and let it be known that Hodeida is but 5 hours sail from Bir-el-jedid where the Company's servants go to buy coffee".

Taking this report and his few possessions with him, Hugh made his way to Muskat, and thence sailed in an open boat or "tanki" to Bombay, which he reached on 19th May 1791, after a three months journey from Mocha.

On his arrival, he found that the Governor, Gen. Sir Robert Abercromby, had gone to join the English Army under Lord Cornwallis, before Seringapatam. He at once decided to follow him, and wrote to his son Archibald - whom he addressed as "my dear and worthy friend" - telling him of his plans. He tells Archibald he is wearing "a long beard, a turban, and an Arab dress", and intends to endeavour to join the Mahratta army.

Leaving Bombay on 11th July, he walked to Poona, where he was treated with the greatest kindness by Sir Edward Malet, the Resident Minister. Here he found a sum of Rs 1600 awaiting him from his son. From correspondence with a Capt. Howson, whom he had met in Bombay, we learn that Hugh had had to cross rivers floating upon "calabashes", that he got a lift in to Poona on an elephant, and was popularly regarded as an English "fakir" or religious mendicant.<sup>1</sup> Neither Howson nor Sir Edward Malet knew who Hugh was.

A garbled account of the Seton who became a fakir has long been known in the family.<sup>2</sup> This is obviously based on the incidents in Hugh's journey.

In August, he wrote from Poona to a Mr. Bruce, who appears to have been in the Council of Bombay, and begged him to take up the matter of his Memorial, as a national question.<sup>3</sup> He pointed out that the shortest way to India is via Suez, and that the "Pasha of Egypt" would help this route in every way; but, it would

1. Touch Charters T p. 98.

S-71

2. Seton: Family of Seton II. 1020.

3. Touch Charters T p. 99.

S-72



first be necessary to take drastic measures with the Red Sea ports and their governors, as soon as Seringapatam had fallen.

The next news of Hugh's movements were contained in a letter to Archibald, dated 3rd November 1791, from "Paroram Bhow's Camp", Chittledroog.<sup>1</sup> He says he had come 300 miles on foot, and had several very near escapes from Tippoo's parties, "when I was totally indifferent to my safety".

At Chettledroog, he found "a brigade of seapoys" commanded by a Capt. Little, who forbade his proceeding further alone, and took charge of him.

In due course, the little force reached Seringapatam, where Hugh remained until 23rd March, 1792. He thence sent an account of his adventures to his son.<sup>2</sup> Lord Cornwallis had shown him extraordinary kindness, and insisted on giving him a tent in his own camp, "and on my dining with him every day". Whether Lord Cornwallis knew who he was or not, he respected his alias of "Christopher Roberts", until Hugh confided the matter to him.

While in camp he took part in the fighting, with the avowed intention of being killed; but was only wounded.

"I have in vain lookt for that last relief to the miseries of the wretched in a 6 months campaign, but acquired nothing but a disabled right hand at the storm of Hooly Onore; so I must continue dragging an unhappy life, but, how long, God knows". Throughout his correspondence, this emotional strain persists. It was, of course, an expression partly of regret for the total loss of his fortune, and the damage he had inflicted on his son, and partly of introspection and self-pity. His mind was affected, but he retained enough of his old vivacity to make him popular wherever he went, and to impress Lord Cornwallis and General Abercromby; and his notes on his journeys and on the future of Indian trade, show that he still possessed

1. Touch Charters T p. 100.

S-73

2. ib T p. 102.

S-76



the keenest appreciation of his surroundings.

After leaving the Army, he revealed his identity to Lord Cornwallis, and kept up a correspondence with him, largely in connexion with the imperative necessity for opening the Suez route to Europe.

He then returned to Bombay, and wrote to his son,<sup>1</sup> in July 1792, telling him of his poor state of health, and the action he hoped would be taken about sending a cruiser up the Red Sea. Failing, however, to get a passage in the ship, which had been promised him, he decided to act on a letter of introduction to the Governor of Prince of Wales Island (Penang), and to make his way there in the hope of finding something to do.

In July 1793, accordingly, he left Bombay with the China Fleet and reached Penang, after a long journey not devoid of adventure.

"I was set down at Malacca .. I was obliged to make the passage in a ship's long boat .. I was 11 days at sea, and, after escaping Malay pirates and 2 French privateers, arrived here (Oct, 1793), where I have received every possible attention from Mr. Light, the Governor ... and Capt. Scot with whom he is in partnership".<sup>2</sup>

Finding there was no job available, however, he returned to India and arrived there early in 1794.

All this time his son Archibald had been urging Hugh to give up wandering and to go to Bengal to live with him. But the "wanderlust", which was a symptom of his mental condition, prevented him from settling down anywhere. He had made several friends in Bombay who were willing to help him, and were in communication about him with his son Archibald.

But, without telling any one, he slipped away from Bombay on 15th February 1795, with the intention of going to Suez, and thence to Cairo. He was certainly in bad health at the time, and got worse on the journey.

1. Touch Charters T p. 103.

S-78

2. ib T p. 108.

S-88

Reaching Cairo, he made his way to Alexandria, where his friend George Baldwin was British Agent, and there he died on 25th May 1795, in his seventy-third year.

Hugh Smith, or Seton, or "Christopher Roberts", had reached the allotted span, and, within it, had played many parts. He made some bad mistakes during his life, which brought Nemesis on his track, and nearly ruined the family; but, during the penance of his last ten years, he certainly showed that he was a fearless traveller, and a man who could face great odds and win through. He never got over his remorse for his earlier errors of judgment; but, at least, he faced the results of them, alone.

The extraordinary circumstance of a European wandering about India in native dress, naturally aroused much interest in India, and references to the fact appear in at least two contemporary diaries. Thus, in the "Cleghorn papers",<sup>1</sup> Hugh Cleghorn of Strathivie refers to the fact that, before he arrived at Alexandria, in June 1795, "a certain Major Roberts" had died there.

"He had been confined in irons at Jeddah though more than 80 years of age. Roberts, it appears, was a Mr. Seton of Touch, whom a strange caprice had carried, without ostensible object, to India and who travelled a great part of that Continent in the dress of a Moorman, always concealing his real name from his countrymen".

Another writer, Major David Price, writing from Poona<sup>2</sup> on 28th October 1791, at the time when Hugh Seton was on his way across India, wrote:-

"An old and respectable North Briton, whose real name was Seton, though he chose to travel under the name of Roberts and in the dress of a Mahometan, had recently visited the Falls of the Gurpoorbah".

How long he maintained his incognito is uncertain; Lord Cornwallis knew, and was on very friendly terms with his son Archibald, quite a short time before the Seringapatam

1. Cleghorn Papers. "Bengal past and present" XXIV. pt. II. No. 68.  
(Journal of Calcutta History Soc<sup>y</sup>) Oct./Dec. 1927. pp. 130-132.

2. Memoirs of a Field Officer. (London 1839) Major David Price.

operations;<sup>1</sup> while Archibald knew Sir Robert Abercromby well enough in 1798, to suggest lending him money on the security of Touch.<sup>2</sup> It is possible that Lord Cornwallis recognised at once that "Christopher Roberts" was Hugh Seton, but preferred to respect the incognito until Hugh himself spoke.

Hugh Seton's estate.

After his disappearance from England, Hugh's estate was wound up and a factor was put in to administer Touch. His assets exceeded expectations, as the sale of Appin brought in £41,039, and his life interest in Touch was acquired by the Drummonds for £5,500; the assets of the wine business just covered the debts.

Nevertheless, under the Factory he had obtained from his son Archibald in 1780, he left obligations amounting to over £31,000 to be met by him.

1. Touch Charters T p. 118.  
T-49

2. ib T p. 117.  
T-43

ARCHIBALD SETON, 13th of TOUCH.

1755 - 1818.

Of the early life of Archibald Seton nothing is known, though it is possible he was educated in England. On his mother's death in February 1755, he succeeded her as 13th of Touch, but his father had a life rent of the property. As heir to his father's Appin estate, to portions of the old Bannockburn lands, and to the prosperous wine business in Boulogne, his prospects appeared brilliant.

In 1775 he went to Hamburg for a commercial education, and was occasionally in Paris. At one time he wished to join the army, but was dissuaded by his father. Returning home in 1779, he made up his mind to go out to India in the East India Company's service. Before going out, he was retoured heir to his mother on 21st April 1780.

There is no indication that Archibald had any idea of his father's financial position at that time, though in 1777 Hugh Seton had debts amounting to nearly £21000, and the wine business was not doing as well as it normally did. And, although Hugh must have known that he was in a dangerous state, he never told his son anything about it. On the contrary he induced Archibald, on 13th May 1780, just before his departure from home, to execute the following "Factory":-<sup>1</sup>.

"Considering I am about to leave Britain .. I nominate and appoint Hugh Seton to be my factor and commissioner with power to uplift and receive the rents and to grant tacks and generally everything to do.

And, moreover, with power to the said Hugh Seton as my commissioner, if he shall find it necessary for the better management of my affairs, to borrow such sums of money as may be necessary for that purpose, and to bind me, my heirs, and successors, in the repayment of all such borrowings,



And, for that purpose, to grant heritable bonds in my name, over the lands and barony of Touch, or to grant simple bonds or other personal obligations for the same, from time to time

Providing always that the said Hugh Seton shall make just account and payment to me".

This instrument was Archibald's undoing. Hugh made use of the borrowing power it gave him, to raise money on a large scale, with the result that, when his father's affairs were settled by the Courts a few years later, Archibald found himself under personal obligations to the Messrs. Drummond's bank for £28,248, and to Walter Scott, W.S. (the father of Sir Walter Scott) for £8,804, besides numerous smaller loans.

The dominant feature of his life, during the next 30 years, was the superhuman efforts he made to clear off the debt on the estate, and to release Touch from the hands of the Drummonds.

His only means of raising the money required, was by saving it out of his pay, and by denying himself every personal comfort and luxury. Time after time his efforts were complicated by other financial claims on him. His brother James, owing to his incapacity, and his unfortunate speculations, involved Archibald in payments amounting to over £20,000; and to his sister Lillias, whose interest in the Touch estate was estimated at £5000, he repaid that sum.

In 1810, however, he had redeemed Touch, and, writing to his brother in law, Sir Henry Stewart in 1815, he told him he had sent home £46,000.<sup>2</sup>

This redemption of the family estate could never have been accomplished, had it not been for Archibald's brother in law, Henry Stewart of Allanton, who had married his sister Lillias. This remarkable man was ahead of his generation in forestry and arboriculture, and had written a standard work on the subject. He devoted himself wholeheartedly to the task of making Touch pay,

1. Touch Charters  $\frac{T}{T-68}$  p. 119.

2. ib  $\frac{T}{T-79}$  p. 119.

to an increasing extent, the debts that burdened it. It was already well timbered, and it happened that there was a great and increasing demand for wood for the navy. By skilful thinning, he made large sums of money; and, with an eye to the future, he established nurseries and planted a million trees on the estate.

Through a period of some 30 years Stewart and Archibald were regular correspondents on the details of the forestry and farming arrangements, which was rendered more difficult by the fact, that even when letters were posted in duplicate and triplicate, and sent by different ships, there was no guarantee of their evading the French cruisers and privateers.

How greatly Stewart improved the property, is shown by the fact that, during his administration of it, he raised its revenue from about £2000 to £4000 a year.

Henry Stewart married Lillias Seton in 1786, and by her had a daughter Elizabeth Margaret, born in 1790. In 1812 this Elizabeth married Ranald or Reginald Macdonald of Staffa, of whom more will be heard later. In 1815 Henry Stewart was created a baronet, with special remainder to his son in law Reginald Macdonald. This, as will be shown below, has an important bearing on the later history of the family.

To return to Archibald; having paid off the whole of the debts, he tried to accumulate a sufficient sum to enable him to live at home in comfort, in the place to which he was so devoted, and by the end of 1817, he had done so and set sail from Calcutta. His health had been failing for some months, and he was ill when he started, and got worse during the voyage.

He died at sea on 29th April 1818, aged sixty-three, a martyr to his high sense of honour, and to his dogged determination to restore the estate of Touch.

Archibald's career in India as a Civilian was a brilliant one. Commencing as a "Writer" in the Revenue Dept. of Bengal, in Calcutta, he became a "Collector" of Revenue in Bhagalpur and in Behar (1788), and was then transferred to the Judicial Dept. In 1797 he was Judge

in Patna, and in 1803 became Senior Judge in the newly ceded Provinces; three years later he became Resident at Delhi, a most important appointment, which brought him in contact with the Governor General, and established his position in the Service.

In 1811 he was sent to Prince of Wales' Island (Penang) as Governor, but returned in 1812 to Calcutta to join the Council of the Bengal Government, and, later he was transferred to the Supreme Council.

In 1817 he was invited by the Governor General to become Vice President of the Council, but declined as he had decided to leave India.

He left an enormous pile of correspondence, on official matters of great importance; much of this, especially that portion of it which concerned Lord Wellesley and Lord Cornwallis, has been preserved.

Archibald never married. In the circumstances in which he found himself in India, encumbered with an immense debt, which he was determined to pay off in order to save his much loved property, and overwhelmed with official duties, he had no leisure and probably no desire for matrimony; and by the irony of circumstance, he died almost within sight of his goal. As a man, he was universally popular, and was certainly one of the most efficient servants of "John Company" of his time.

1. British Museum. Add<sup>1</sup> MSS. 13576, 13577, 13712; and Historical MSS. Commission 8th Report, 290A, 293. Braybrooke.

BARBARA SETON, 14th of Touch.  
1754 - 1835.

On Archibald Seton's death, at sea, on his way home from India on 29th April 1818, the succession to the estate of Touch devolved on his elder sister Barbara, widow of Lewis Brotherson, a West India merchant, who was living in Bath. Under her brother's disposition, she was compelled to assume the name of Seton and tacked it on to her married name.

In so far as Archibald's personal estate was concerned, her younger sister Lillias, Lady Stewart of Allanton, was co-heiress with her. Lady Stewart was also a "portioner" in the estate of Touch.

The inevitable friction occurred between the childless widow and the mother of the heiress presumptive, in regard to the division of Archibald's estate, and eventually Counsel's opinion was called in. In 1820 an Agreement was reached between the parties, with Sir William Forbes as arbiter between them.<sup>1</sup>

Barbara Seton does not appear to have lived at Touch at all. Her brother in law, Sir Henry Stewart, who had done so much to improve the estate during the absence of Archibald in India, was getting an old man, and his successor Ranald Macdonald, who had married Sir Henry's daughter Elizabeth, took no interest in it.

It is probable that from the time of Archibald's death the place began to deteriorate, and continued to do so for the next 100 years.

Barbara died on 10th January 1835, the last of the direct line of Elizabeth Seton and Hugh Smith.

1. Touch Charters <sup>T</sup>  
V-5 p. 124.



THE SETON-STEWARTS OF TOUCH AND ALLANTON.

It is now necessary to consider how the Seton-Stewarts came to be in possession of Touch and the Armourbearership, after the death of Barbara Seton or Brotherson, on 10th January 1835.

It has already been shown that, on the death of James Seton, 11th of Touch in 1742, the succession devolved on his sister Elizabeth, under the marriage contract of their father Archibald Seton.

Elizabeth, by her second marriage, had three children who survived infancy; and, when she died in 1775, two of those children - both of whom were paternally Smith - succeeded to the estate, and died without issue.

These were Archibald Seton, 13th of Touch, who died in 1818; and his sister Barbara Seton (Mrs. Brotherson) who died in 1835. The third of Elizabeth's children, Lillias predeceased her sister Barbara in 1821.

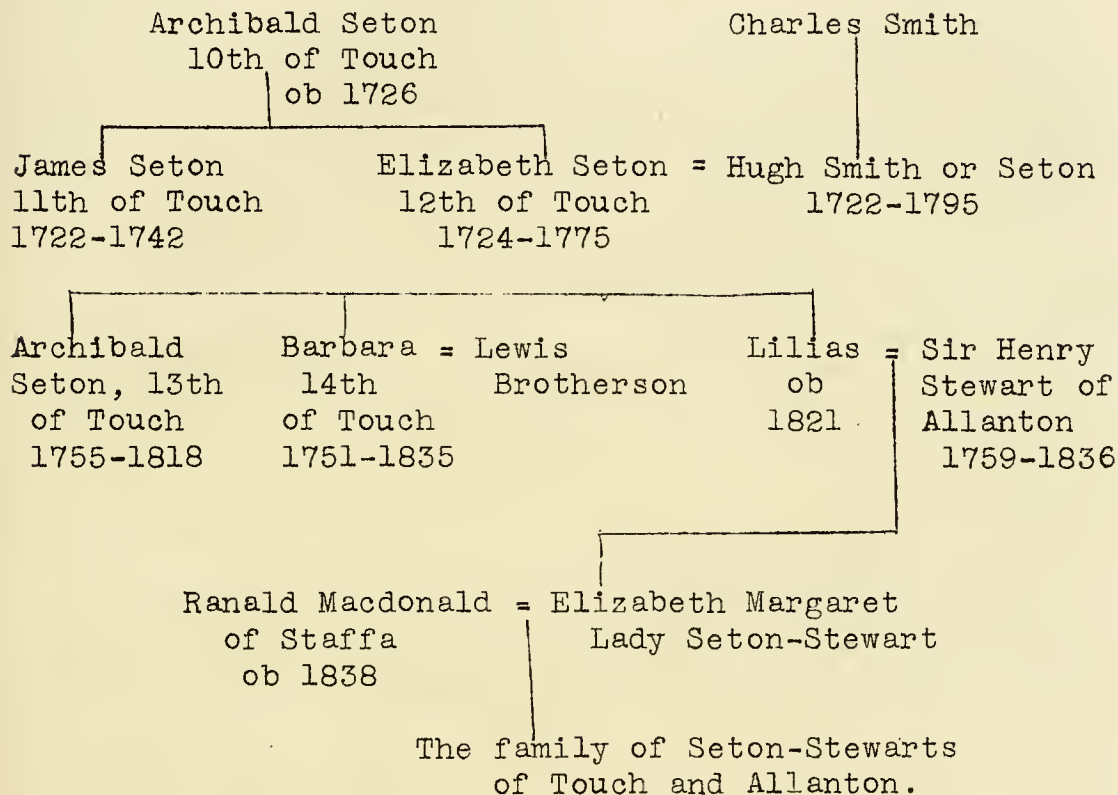
Lillias, however, had married Henry Stewart of Allanton in 1787, and by him had two children, one of whom died in infancy.

The second daughter, Elizabeth Margaret Stewart, thus succeeded to Touch, in 1835. She had married, in 1812, Ranald or Reginald Macdonald of Staffa, and, on succeeding to Touch, had to assume the surname of Seton-Macdonald.

In May 1815, Henry Stewart of Allanton was created a Baronet, with special remainder to his son in law Ranald. On Sir Henry's death in 1836, therefore, the title went to Ranald or Reginald Macdonald; and he and Elizabeth assumed, under their respective entails, the triple surname of Macdonald-Seton-Stewart.

That name was retained by Elizabeth until her husband's death, when his remaining estates were sold. Their son Henry succeeded as third Baronet, and, as there were no Macdonald lands left, had to revert to Seton-Stewart; he petitioned the Court of Session to be allowed to retain his father's name, but this was refused; and the family continued as Seton-Stewart.

The following Table shows the connexion of the family with the Setons of Touch:-



ELIZABETH MARGARET STEWART afterwards LADY SETON-  
STEWART.

31.10.1790-2.8.1866.

Elizabeth Stewart was the only surviving daughter of Henry (afterwards Sir Henry) Stewart of Allanton and Lillias Seton, youngest daughter of Elizabeth Seton, 12th of Touch and Hugh Smith.

During her childhood she lived partly at Allanton and partly at Touch, where her father paid frequent visits yearly to look after the estate for his brother in law, Archibald Seton.

In 1812 she married Ranald or Reginald Macdonald of Staffa, eldest son of Colin Macdonald of Boisdale by his second marriage; his father acquired for him the islands of Staffa, Ulva, and Gometra. By profession he was an Advocate, but does not appear to have practised at the Bar; he held, however, the office of Sheriff Substitute of Stirlingshire.

Before his marriage he spent most of his time, and also of his money, in improving his estates and rearing cattle. Sir Walter Scott spoke enthusiastically of him as "the King of all good fellows".

At first Henry Stewart thought he had made a good match for Elizabeth, and wrote to Archibald Seton and told him so; but in September 1813, he commented bitterly on Reginald's character, and in February 1814, described him as

"of bad and capricious temper, contemptible talents, vulgar mind, and doubtful though very specious character".<sup>1</sup>

In spite of this somewhat adverse description of his daughter's husband, when Henry Stewart was created a Baronet, he secured a special remainder in favour of Reginald.

The fact was Reginald's finances had always been very much embarrassed, but he had concealed the fact.

1. Touch Charters <sup>T</sup>~~T-73~~ and 77 p. 119.

Writing to Archibald in March 1817, Stewart told him that Reginald had lied about his position and "is really "a bankrupt".<sup>1</sup> And there was no love lost between them.

Thus, when Sir Henry and Lillias Stewart made a trust disposition of Allanton, in favour of their daughter, on 7th July 1819, the Trustees were particularly instructed regarding payments out of the Estate "during "the lifetime of Ranald Macdonald", and especially to make payments for his daughter

"to herself alone, on her own separate receipt exclusive of the Jus Mariti and power of administration of her husband, and also of the diligence of his creditors".

Finally when Elizabeth succeeds to Touch, the Allanton funds were to be accumulated, "as long as Ranald is "alive", for the purchase of lands.

To this disposition there was a Codicil, dated 4th April 1821, narrating that Sir Henry has now purchased the estate of Ulva, which had belonged to his son in law, and directing that it should be sold and the money applied to the Allanton Trust.

When Sir Henry died in 1836, Ranald succeeded him as second Baronet of Allanton.

It appears that Elizabeth's sentiments towards her husband were not quite cordial. When she succeeded to Touch in 1835, she executed a Trust Disposition, jointly with him, dated September of that year.<sup>2</sup> It narrates that "in the view of affecting a settlement" with Ranald's creditors, they have entered into an Agreement to raise money by insuring their lives and also by an annuity on the Touch estate "to the extent of £1200 a year". "They therefore conjointly assign the whole estate to a "trustee Gideon Colquhoun, reserving only the Armourbearership, but declaring also that the disposition "shall not import an alienation of the fee of the estate".

Out of the rents, the trustee was to pay £200 annually to Ranald and £500 to Elizabeth.

Considering Touch was producing £4000 a year at the time of Archibald's death, there must have been a great deterioration in the intervening years.

1. Touch Charters  $\frac{T}{T-85}$  p. 120.

2. ib  $\frac{SS}{A-2}$  p. 128, 129.



Out of the rents the trustee was to pay £200 annually to Ranald and £500 to Elizabeth.

Considering Touch was producing £4000 a year at the time of Archibald's death, there must have been a great deterioration in the intervening years.

This transaction shows that Ranald Macdonald and Hugh Smith had a good deal in common, and that, in both cases the alienation of Touch was the result.

Sir Ranald or Reginald Seton-Stewart died on 15th April 1838, and was long survived by Elizabeth. They never lived in Touch after the disposition of 1835, but settled down in Edinburgh. Lady Seton-Stewart died on 2nd August 1866.

Their children were as follows:-

1. Henry James, born 1812, succeeded as third baronet.
2. Archibald, born 1814; in 1855 he married Katherine, daughter of Robert Stein of Kilbagie, glass manufacturer; he died 21st October 1872, leaving two sons,
  - a. Alan Henry, fourth baronet.
  - b. Douglas Archibald, fifth and last baronet.
3. Colin Reginald, drowned in Australia.
4. Isabella, born 1816. Married in 1852 Rev. J. Lockhart Ross, and died in 1893. Of her family, two still survive, viz. Col. Henry Stuart born 1856, and Lillias Elizabeth.
5. Lillias Margaret, died 1866.

SIR HENRY JAMES SETON-STEWART,  
3rd Bt. of Allanton. 1812-1884.

Sir Henry succeeded to the baronetcy on his father's death in 1838, and shortly afterwards what remained of Sir Reginald's estates, i.e. Staffa and Gometra, were sold. It is probable that the Touch estate was then recovered from the burden laid on it in 1835.

On his mother's death in 1866, he succeeded to both Allanton and Touch.

His own original surname was Macdonald-Seton-Stewart, but, on succeeding he was compelled to drop the Macdonald, under the entails of Allanton and Touch. Against this he appealed but, the Court of Session upheld the conditions in the entails.

Sir Henry was interested in country matters, and managed the estates during his mother's life time. He was for some years Convener of the County of Stirling.

In 1852 he married Elizabeth, daughter of Robert Montgomery, younger brother of Sir James Montgomery of Stanhope, but had no family.

He died on 6th December 1884.

On the occasion of Queen Victoria's visit to Edinburgh on 7th Aug. 1876, to unveil the statue of the Prince Consort, Sir Henry was summoned to attend Her Majesty as hereditary armourbearer of Scotland,<sup>1</sup> thus again establishing the right which was last exercised in 1837, when Sir Reginald Seton-Stewart attended the Coronation on behalf of his wife.

SIR ALAN HENRY SETON-STEWART,  
4th Bt. of Allanton. 1856-1913.

Sir Alan was the eldest son of Archibald Seton-Stewart, who died in 1872. He succeeded his uncle Sir Henry James in 1884.

His education was at Eton and Pembroke College, Oxford. Touch having been let he resided chiefly at

His education was at Eton and Pembroke College, Oxford. Touch having been let he resided chiefly at Allanton. He was Deputy Lieutenant for Stirlingshire.

On 5th June 1883, Sir Alan married Susan Edith, daughter of Sir James Clerk of Penicuik Bt. She died on 21st April 1907, without issue.

In 1911 he was summoned to Holyrood as "hereditary" armourbearer".

Sir Alan died suddenly on 3rd April 1913.

SIR DOUGLAS ARCHIBALD SETON-STEWART,  
5th Bt. of Allanton. 1857-1930.

Sir Douglas was born at Alloa on 20th August 1857, and was educated at Eton and Kethe College, Oxford. He succeeded his brother, Sir Alan on 3rd April 1913.

The estate of Touch, in consequence of increasing taxation and the economic conditions, had steadily fallen in value; Allanton also no longer paid for its own upkeep, largely owing to its amenities being spoilt by mining operations near it.

As time passed, Sir Douglas found that he could no longer maintain both estates, and in 1928 he sold Touch to Charles Buchanan Esq., and disposed of its contents. All the Seton articles he either gave or bequeathed to Sir Bruce Gordon Seton.

A man of most retiring disposition, Sir Douglas was a pillar of the Episcopal Church. At the same time, he was universally popular in Stirlingshire.

He died on 19th February 1930, and was buried at St. Ninians. With him the baronetcy of Seton-Stewart of Allanton died out. A male cousin, Colonel Henry Stuart Lockhart-Ross survived him, and to him Sir Douglas left the estate of Allanton.

The Arms of Seton of Touch.

According to Nisbet<sup>1</sup> the family

"have always been in use to quarter with the paternal arms of Seton those of Hay of Enzie, argent, three escutcheons gules".

That is to say the first and fourth quarters are the old Seton cognizance of a field or, three crescents gules, which certainly goes back to Sir William Seton; and the Hay quarters came in with Egidia Hay, wife of Alexander Seton Dominus Gordon.

This coat of arms continued in the family until 1835, when Elizabeth Stewart succeeded to Touch, or 1836 when she succeeded her father, Sir Henry Stewart. Her husband, Reginald Macdonald of Staffa, then quartered his own arms with the combined arms of Touch and Allanton.

Under the entails, both of Touch and Allanton, however, the retention of any surname or arms, other than Seton and Stewart was inadmissible, unless it was necessary for the retention of any other property. As Reginald's remaining estates were sold on his death, the Macdonald arms had to disappear from the coat; and since then the Seton-Stewarts were only entitled to carry the Seton and Stewart coats "accolée" or side by side.

Of recent years they have borne the Stewart of Allanton coat, without any Seton quarters.

The old arms of Touch, with a "bordure, gules", for difference were borne by the Setons of Abercorn, when they left the main line in 1567, and until the failure of the male line of Seton of Touch in the person of James, 11th of Touch in 1742. When Sir Henry Seton, 4th Bt. of Abercorn was retoured heir male of the Touch family, the undifferenced old arms were resumed, with only a slight variation in the tinctures of the crest.

The old crest was the Gordon boar's head couped, or, and "langued" gules. The Abercorn Setons now carry

1. Nisbet: Essay on the ancient and modern use of Armouries.  
(1718) p. 202.

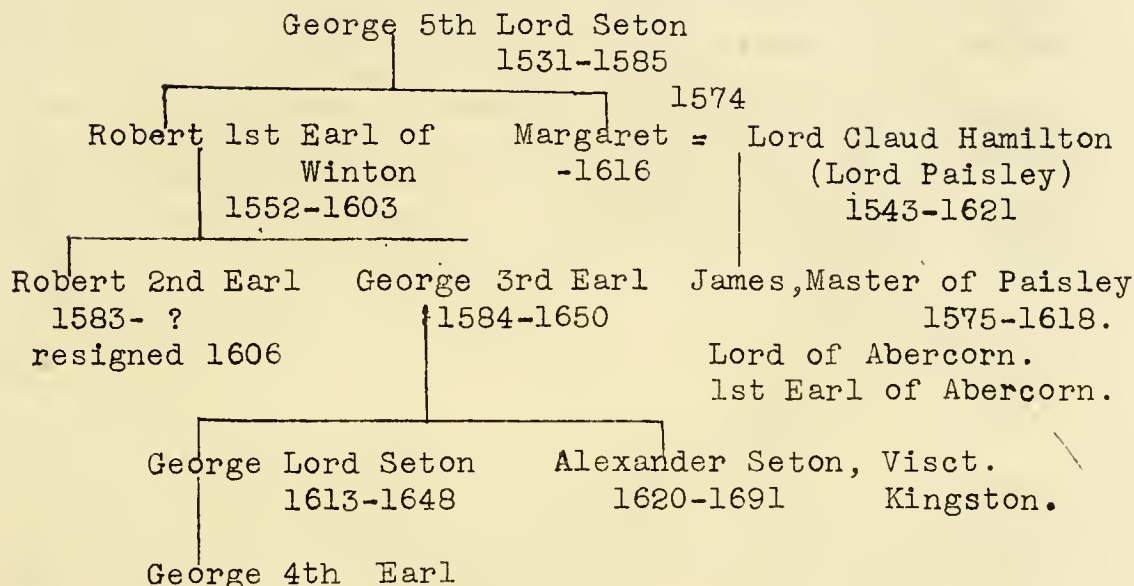


it "proper" and "langued" azure, i.e. with a blue tongue.

Supporters, in the form of staghounds, or, as they are erroneously called, greyhounds were adopted by the family in the 15th century, and are still part of the Abercorn achievement.

The motto has been "Hazard Forward", "Hazard zet Forward" and "Hazard Warrillie", all very old Seton mottoes.

The Abercorn Setons have assumed and retained the variation "Forward Ours" as well as "Hazard Forward".

Chapter 15.SETON OF ABERCORN.The Lands and Barony of Abercorn.

Abercorn, Linlithgowshire, from which this branch of the family takes its territorial designation, has an ancient history.

There was probably an old fortified place there before the advent of the Romans, on which they erected a fort, with a camp in the neighbourhood, in connection with the wall of Antoninus, which passed on to Carriden on the Forth. This was no doubt at the confluence of the burns of Midhope and Cornie, and the name has varied through the ages in the form of Aberiarnig.

As far back as A.D. 684, there was a monastery there, the seat of Trunwin, Bishop of the Picts, referred

to by Bede, which was later transferred to the Diocese of Dunkeld. In the "Bagimonts" Roll, drawn up by Baia-mund de Vicci in 1275, when he came over to Scotland to collect a tax for another Crusade, the "vicaria" of Abercorn was valued at 53 shillings 4 pence, and the church lands were included in the barony of Aberlady.<sup>1</sup>

During the reign of David I, the manor lands of Abercorn belonged to Robert Avenel; and in the reign of Alexander III, Roger de Avenel's daughter took them with her on her marriage to Sir Henry de Graham of Dalkeith, one of the supporters of William Wallace.<sup>2</sup> Sir Henry was killed at Falkirk, 22nd July 1298.

The Grahams held them until Sybilla took them on her marriage to Sir William More, and they remained in his family until the time of Robert III, when David More disposed of them to Archibald, third Earl of Douglas.

The Douglas family built a strong castle there, and held it until 1455, when James II besieged and captured it after a month's investment. Two years previously, in October 1453, the church lands of Abercorn, Aberlady, Cramond and Preston had been erected by a Charter under the Great Seal into a free barony.<sup>3</sup>

After the downfall of the Douglasses the Crown assumed possession of the estate and held it until 28th Oct. 1497, when it was granted by James IV to Patrick, fourth Lord Lindsay of the Byres.<sup>4</sup> The barony at that time included Philipston, Duddingston, Newton and Drem.

On 28th January 1601 John, eighth Lord Lindsay of the Byres resigned Abercorn in favour of James Hamilton, then Master of Paisley, who had a Royal Charter thereof in July.<sup>5</sup> This transaction was one of some interest to the Setons, as the Master of Paisley, afterwards first Earl of Abercorn, was the son of Lord Claud Hamilton

1. Penney: Linlithgowshire 140.

2. Lawrie: Early Scottish Charters 322. Scots Peerage VI. 194.

3. Reg. Mag. Sig. 680 of 27.10.1453.

4. Scots Peerage V. 396; Reg. Mag. Sig. XIII 287.

5. Scots Peerage I. 46

Lord Paisley and Margaret, daughter of George, fifth Lord Seton.

The Master of Paisley had been created heritable Sheriff Principal of the county of Linlithgow in 1600; after acquiring Abercorn he was created a peer on 5th April 1603, with the title of "Lord of Abercorn", and the lands were erected into a free barony to him and his heirs male and assigns whatever. And in July 1606, he was advanced to the dignity of Earl of Abercorn.<sup>1</sup>

James, second Earl, disposed of the property on 30th June 1650 to George, third Earl of Winton in life rent and his son Alexander Seton, afterwards Viscount Kingston, in fee.

Kingston only retained them for a few years, and "assigned" them on 10th December 1661 to Walter Seton, who had a charter of confirmation, dated 17th January 1662.<sup>2</sup> He paid Kingston £3000 sterling.

Walter Seton of Abercorn was created a Baronet on 3rd June 1663. He, however, could not afford to keep up the "lands, lordship and barony of Abercorn". Being financially embarrassed, he gave a bond on the estates to the Cornwalls of Bonhard, his mother's family; and in 1678 he had to sell them.

In that year John Hope of Hopetoun bought the barony of Niddry and Winchburgh from George, fourth Earl of Winton, and the barony of Abercorn and the heritable Sheriffship of Linlithgowshire from Sir Walter Seton; and so the connexion with Abercorn was severed.

It is still in the possession of John Hope's descendants, the Marquises of Linlithgow.

It is doubtful whether Sir Walter ever lived there. The present messuage, Hopetoun House, in the grounds of which is the site of the ancient castle, was built years afterwards by the first Earl of Hopetoun.

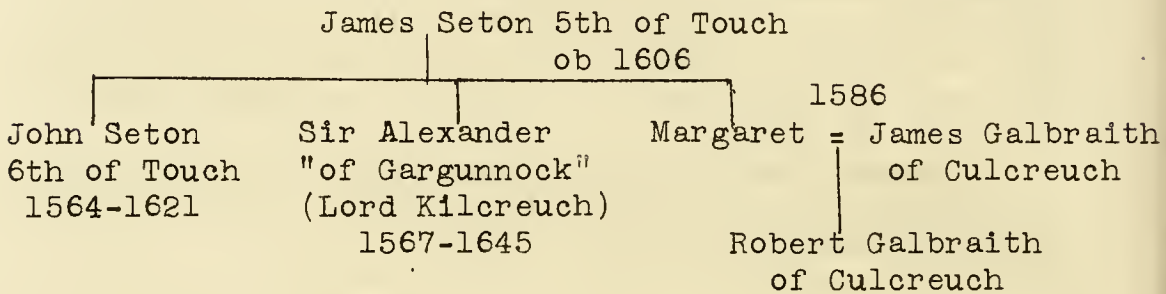
The lordship and barony of Abercorn, when Sir Walter acquired it in 1662, consisted of "the lands of Dudingston, Duntarvie, the arable lands of Winchburgh, the lands of Philpstoun, Gallowscruik Binns, Manerstoun,

1. Scots Peerage I. 46.

2. Abercorn Charters <sup>A</sup><sub>4-2</sub> p. 146. Reg. Mag. Sig. LX. 125.



"Easter and Wester Scotstoun, Mirrielee, Greigfoot,  
 "Cauldcoats, .. Neidhope with tower". "Also the office  
 "of Sheriff of Linlithgow with fees, casualties and  
 "privileges, and the dominical lands of Abercorn, the  
 "mill and lands of Mortoun, and the burgh of Newtoun of  
 "Abercorn".



Culcreuch or Kilcreuch, Stirlingshire.

The earliest known owners of Culcreuch were the Galbraiths, who were descended from "Gillescop Galbard", nephew of Alivin or Alwin, first (Celtic) Earl of Lennox, whose name appears in a writ of 1207.

The name Galbraith crops up occasionally in circumstances which indicate that the family was more than once in trouble. Thus, on 16th October 1489, James IV granted to his "familiar servitor" Adam Hepburn, brother of Patrick, Earl of Bothwell, the lands of Culcreuch, Torr-darrach and others

"which belonged previously to Thomas Galbraith, late of Culcreuch, and then to the King, through the death of the said Thomas, who was executed to death".<sup>1</sup>.

The property must have been recovered by the family later, as on 28th May 1586, there is a reference to Robert Galbraith of Culcreuch receiving, from his father James Galbraith, the Wester Mains of the estate on his marrying

1. Reg. Privy Council II. 347, 434.

Margaret Seton, daughter of James Seton, 5th of Touch.

In 1593, this Robert Galbraith was bound over not to have

"any further dealings with any of the names of Buchanan, Macgregor or Macfarlane", and his brother in law Alexander Seton became security for him in a sum of £2000.<sup>1</sup>

In 1622 Alexander bought Kilcreuch from Robert Galbraith, and shortly afterwards the latter, with his sons, was ordered to be apprehended on the charge of:- "beareing and wareing of hagbuittis and pistollettis, lying in await for the said Alexander Seatoun, and for shooteing at him of six or aucht shottis, of purpois to haff bereft him of his lyiff".<sup>2</sup>

When elevated to the Bench in 1626, Alexander Seton took the territorial designation of Lord Kilcreuch. In 1630 he surrendered the estate to his son Alexander and his wife Janet Cornwall;<sup>3</sup> and they disposed of it in 1634 to Robert Napier, fourth son of John Napier of Merchiston, the famous mathematician.<sup>4</sup>

#### Graden, Berwickshire.

Sir Alexander Seton, Lord Kilcreuch, acquired for his second son William Seton, Minister of Graden, a third part of the lands of Graden, with an annual rent of 300 merks, and the lands of Dolphinton in Roxburghshire,<sup>5</sup> in 1626. On the death of William about 1631, this property passed to his elder brother Alexander; with it went another portion of Graden, which belonged to Sir

1. Reg. Privy Council V. of 8 May 1593.
2. do. XI. 642, 706.
3. Gen. Register of Sasines B. 29-137.
4. Scots Peerage VI. 420; Reg. Privy Council V. 382.
5. Register of Sasines B. 20-64.



David Home of Wedderburn,<sup>1.</sup> and  
 "for sums of money were disposed to him by Colonel  
 Henry Bruce".

Alexander Seton younger was duly granted a special re-  
 tour of them on 14th July 1631.

On 11th Jan. 1634, this Alexander had a Royal  
 Charter of another third, amounting to 10 husbandlands  
 in extent, which he had acquired from Mark Cas, who had  
 himself got them from Patrick, son of Sir John Home of  
 North Berwick; and on 1st August 1636, he also had a  
 charter of the remainder of the property, amounting to  
 8 husbandlands, with salmon fishing in the Tweed, from  
 Sir David Home of Wedderburn and his son George Home.<sup>2.</sup>

On acquiring this property, Alexander Seton was  
 styled "of Graden".

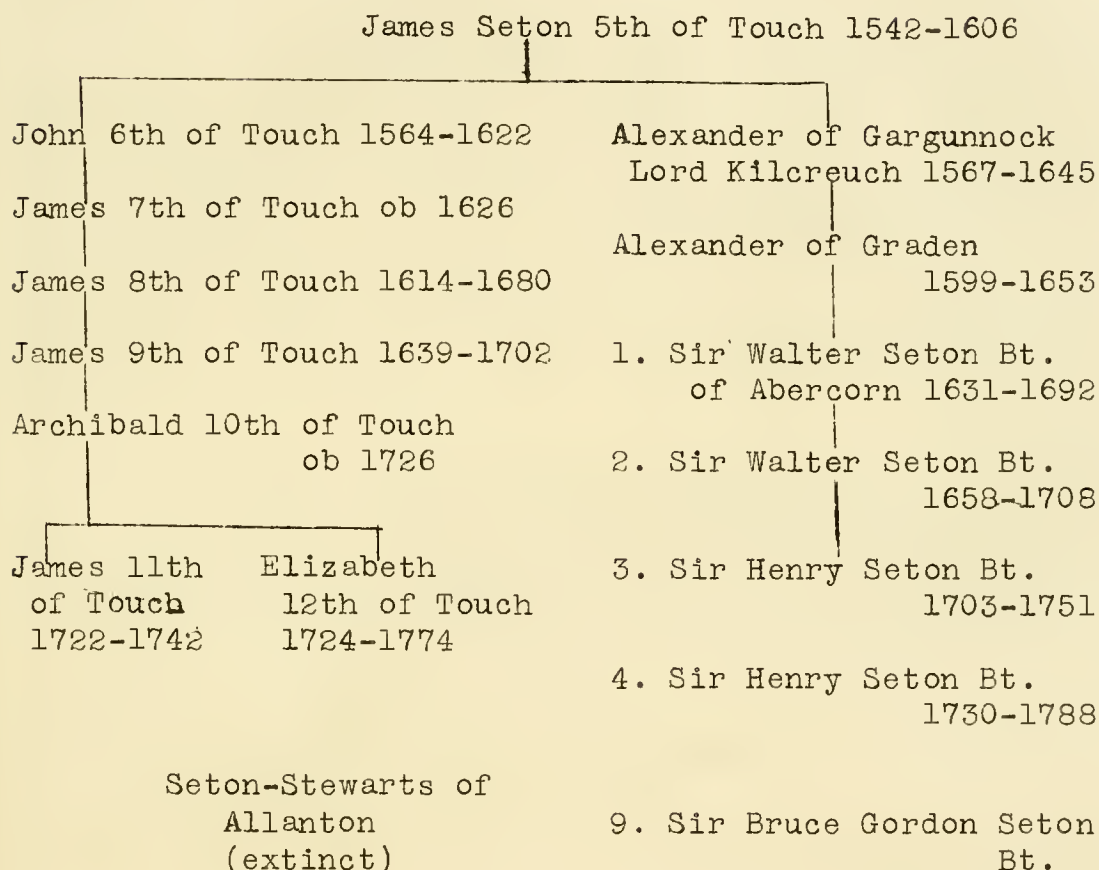
According to the Preston pedigree of the family  
 Alexander, in later life, disposed of the property.

1. Record of Retours XII. fol. 6; Abercorn Charters  $\frac{A}{2-1}$  140.

2. Abercorn Charters  $\frac{A}{2-2}$  141; Reg. Mag. Sig. Lib. 55. 342.

THE SETONS OF ABERCORN.

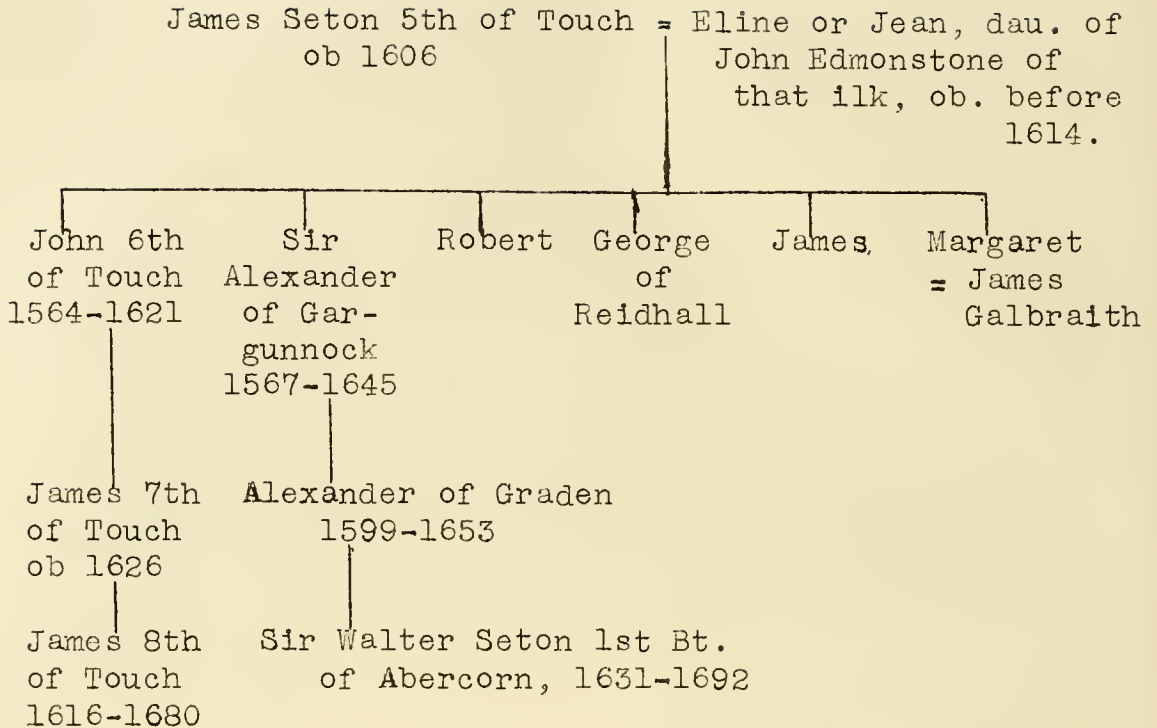
This branch of the family originated in the Setons of Touch, as indicated in the Table below:-



On the death of James, 11th of Touch in 1742, the male representation of the family of Seton of Touch, and of the early Seton-Gordons, devolved on Sir Henry Seton, 3rd Bt. of Abercorn. In spite of repeated orders by the Court of Session to have himself retoured accordingly, he took no action; but his son Sir Henry Seton, 4th Bt. on 8th August 1761 had himself retoured heir male in general to Archibald Seton 10th of Touch.

(See Touch: The heritable office of Armour-bearer and Squire of the Royal Body.)





1. SIR ALEXANDER SETON OF GARGUNNOCK  
LORD KILCREUCH 1567-1645.

Alexander Seton was the second son of James Seton, 5th of Touch and Eline or Jean, daughter of John Edmonstone of that ilk.

As an infant, his father gave him the lands of Gargunnock in life rent,<sup>1</sup> and he was then styled "apparent" of that estate. After his father's death in 1606, he was styled "of Gargunnock", though it was not until 11th June 1612 that he acquired the property finally from his brother, John Seton of Touch. (See Touch. Lands of Gargunnock.)

1. Reg. Mag. Sig. XXXII. 98 of 7 Dec. 1569.

Of his early years practically nothing is known. He is not mentioned as having taken part in the Raid of Ruthven along with his father and uncles, in August 1582. He was probably, at that time, engaged in his legal studies.

In 1593 he became surety in a sum of £2000 for his brother-in-law, Robert Galbraith of Kilcreuch, that he would not have any further dealings with any of the names of Buchanan, MacGregor, or Macfarlane.<sup>1</sup> He himself, however, was not free of the turbulent disposition of his family as, in 1594, his remote kinsman, George Seton of Cariston had to become surety for Alexander and his father, that they would not do personal damage to David Dundas, Sheriff Substitute of Linlithgowshire.<sup>2</sup> Deforcing a sheriff must have been regarded in those days as a most heinous crime.

In 1612 Alexander acquired from his brother John an annuity of 600 merks from the estates of Touch.<sup>3</sup> The circumstances in which this was arranged are not known, and there is no record of it in the Touch papers; but it seems likely it was security for money lent by him to his brother.

In the same year he represented Stirlingshire in Parliament. Early in 1622 Robert Galbraith, from whom he had purchased the lands of Kilcreuch, was apprehended<sup>4</sup> on a charge of lying in wait for Alexander Seton and

"shooteing at him of six or aucht shottis, of purpois to haff bereft him of his lyiff".

At this time, Alexander having sold Gargunnoch to John second Earl of Mar, on 22nd June 1624, had bought Kilcreuch from Robert Galbraith. (See Lands of Culcreuch: and Touch; Lands of Gargunnoch.)

<sup>5</sup>. In the account of the funeral of Alexander, Earl of Dunfermline, Chancellor of Scotland, on 9th July 1622,

1. Reg. Privy Council V. of 8 May 1593.

2. ib V. 627.

3. Reg. Mag. Sig. XLVII. 5.

4. Reg. Privy Council XI. 642, 706.

5. Seton: Memoir of Chancellor Seton 141-144.

it is stated that:

Mr. Alexander Seaton of Garguno carried the armes of the Lord Yester, the Chancellor's father in law, in the procession.

By profession Alexander Seton was an Advocate, and is said by Douglas to have been a man "of parts and learning". His name appears frequently in the Edinburgh Justiciary Records. On 14th Feb. 1626, he was admitted a Senator of the College of Justice, with the title of Lord Kilcreuch, by which he was afterwards known.

On 12th July 1633, Charles I conferred on him the honour of knighthood for public services.<sup>1</sup>

In March 1634, Sir Alexander inherited from his brother George, the lands of Reidhall (West Kers) in the barony of Touch, and had sasine of them on 11th April. The same day, however, he handed them over to the Rev. James Seton "Rector of Aberfoyle".<sup>2</sup>

In the same year he had a letter under the Great Seal, giving permission to him and his heirs "to examine "for concealed money of the taxation of the year 1630, "and to retain thereof for his own use £6077 Scots".<sup>3</sup> The circumstances in which this was granted are not stated.

In 1637, when seventy years of age, Lord Kilcreuch resigned his judicial seat, on account of "infirmities "of his sight and other weaknesses ensuing upon his "great age", and retired, with his devoted daughter Isabel to a small estate, Leuchard, near South Queensferry of which he had a tack. No more is known of him, except that in September 1645 he fell a victim to plague, which was then prevalent in Edinburgh, and died there, nursed by his daughter.

In his testament<sup>4</sup> he stated that "being inclosit "under suspitione of plague and being also blind of my "eyne" he could not write or sign the document, but he

1. Abercorn Charters  $\frac{A}{1-2}$  136.

2. ib  $\frac{A}{1-4}$  and  $\frac{A}{1-5}$  137, 138.

3. Reg. Mag. Sig. (Paper Register) L. 3/316.

4. Abercorn Charters  $\frac{A}{1-6}$  139.

nominated his daughter "Issobell" his only executor and legatrix and intromittrix with the entire estate; this was valued at about £10,000.

He was buried in "Maule's tomb" in the Greyfriar's Churchyard, Edinburgh, which became the family burying place of several generations of his descendants.

(See Maule's Tomb. below)

On 13th August 1598, Alexander Seton of Gargunnoch, as he then was, married Marion or Mariot, eldest of seven daughters of William Maule of Glaster, a merchant burgess of Edinburgh. The Maules are an old French family, records of whom go back to 1015. The name occurs in the lists of those who came over with William I.<sup>1</sup> Peter, Lord of Maule settled in Yorkshire, and one Robert accompanied David, Earl of Huntingdon to Scotland, and obtained lands in Lothian. The 13th in succession, Sir Thomas Maule of Panmure, was killed at Flodden, and his son Robert was taken prisoner by the English in 1547, and confined for over a year in the Tower; his youngest son William was a merchant in Edinburgh, who died in 1619, leaving seven daughters; it was the eldest of these, Marion, who married Alexander Seton. From her uncle ultimately descended the Earls of Panmure.

By this marriage there was issue:

1. Alexander of Graden, who succeeded.
2. William, Minister of Graden for whom his father in 1626 acquired a third part of Graden, and Dolphinton in Roxburghshire. He died before 14th July 1631, when his elder brother was retoured heir to him.
3. Robert. Nothing is known of him.
4. Isobel. She is recorded as having nursed one Jean Galbraith of plague in July 1645. In the testament it was stated that Isobel was her kinswoman and friend, who had attended her when deserted by all others. Nothing is known of her after her father's death.

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1. Scots Peerage VII. 1-4, 13, 14.



The Maule Tomb.

Sir Alexander was the first of the family to be buried in this Maule burial place. It is located on the East of the Greyfriar's Churchyard, bounded on the south by "Murray's South Tomb". He and his wife, his son Alexander and his wife, and the first three baronets and their wives, and some of their families are buried there.

After 1780 and before 1805, it was assumed that the family had died out; and in 1805 a burial was permitted there.<sup>1</sup> Enquiry by Sir Bruce Seton in 1920, showed that the tomb had been sold to one - Wilson, Writer to the Signet; and it is now known as the "Dove-Wilson" tomb. No indication is left of any Seton inscriptions.

2. ALEXANDER SETON OF GRADEN.

1599(?) - 1653.

Unlike his distinguished father, Alexander Seton "of Graden" - as he was styled in later life - appears to have had no profession, and to have taken no interest in public affairs. His name appears rarely in contemporary Records, though he is said to have been a poet and a musician - a combination of qualities which may have accounted for the dissipation by him of the estate he inherited, and of the later one he acquired.

When he married, in 1630, his father handed over to him and his wife the estate of Kilcreuch in fee,<sup>2</sup> and he was thereafter styled "fiar of Kilcreuch". Four years later, however, he disposed of it to Robert Napier, son of the great mathematician, John Napier of Merchiston.<sup>3</sup>

1. Abercorn Charters <sup>A</sup>~~12-2~~ 199.

2. Gen. Register of Sasines B. 29-37.

3. Scots Peerage VI. 420.

In 1631 he inherited from his brother, William, a third of the lands of Graden in Berwickshire, and then set about acquiring the rest of that estate. (See Lands of Graden, supra). In the years from 1631 to 1634, he gradually bought the whole of lands, and was then styled "of Graden". How he financed these transactions is not known, unless his sister Isobel left him money from Lord Kilcreuch's estate; but, many years later, his eldest son, Sir Walter Seton, was granted a protection from his own creditors on the ground that, as a young man, he had been crippled by going surety for his father in various speculations.

According to the Seton of Preston pedigree of the family Alexander Seton, in later life, disposed of Graden, and, having divided the proceeds among his family, went to live with his son Sir Walter at Northbank, near Linlithgow.

In December 1652, Alexander and his wife Janet Cornwall received from the brother of the latter, John Cornwall, an annual rent of 266 merks from the Bonhard estate, and had a charter of confirmation thereof, under the Great Seal. This document is interesting as having been granted by the "Keepers of the Liberties of England".<sup>1</sup> It is dated 7th March 1653.

The only public reference to Alexander is the fact that on 15th November he was made a burgess and guild brother of Edinburgh, in consideration of his father's services.

In 1630 Alexander Seton married Margaret (or Janet) Cornwall, only daughter of Walter Cornwall of Bonhard, Linlithgowshire. A Cornish family by origin, these Cornwalls had resided for generations in West Lothian, where they acquired Bonhard, Bonside, and Bonnington, and were successful coal and salt masters. Their salt works were at Carriden on the Forth.

1. Reg. Mag. Sig. LIX. 32.

2. Abercorn Charters  $\frac{A}{2-3}$  142.

Walter Cornwall was a Member of Parliament in 1625. To this alliance is due the fact that, until the failure of the Setons of Touch in the male line in 1742, Alexander Seton and his descendants bore as their crest "a Cornish Kae (chough) on a rock", which was the cognisance of his wife's family.<sup>1</sup>

Although, when Sir Henry Seton, 4th Baronet was re-toured heir male of the Setons of Touch, he adopted the old boar's head of the Gordons, he still retained the "Cornish Kae" as well. It was not until 1915, when Sir Bruce Gordon Seton matriculated his arms, that this crest was omitted, and was deleted in all the books of Peerages etc.<sup>2</sup>

By this marriage there was issue:

1. Walter, first Baronet of Abercorn.
2. Alexander. He was educated to be a physician, but became a Minister of the Church of Scotland and settled in Linlithgow. He married an English woman, Anna Channell. He must have been a man of some financial capacity as he acquired several small properties, and had bonds on others. One of these, Hiltly, which he farmed, ultimately passed to or was bought by his nephew Alexander, second son of Sir Walter. (See Seton of Preston.)

Other properties, over which he had an interest, were Riccarton, Lochhouse and Philipstoun.

In his testament, dated 31st October 1690,<sup>3</sup> he disposed to his wife, as well as two bonds amounting to 2800 merks owing to him by his brother Sir Walter, and the latter's son.

Alexander had a daughter Anne, who married John Crawford of Lochquoit.

The date of Alexander's death was probably 1691.

3. Janet married John Langlands, Captain of a "man of war" of Bo'ness. She died in 1669. Alexander Seton died later than 7th March 1653, but probably in that year. He and his wife were buried in Maule's Tomb, Greyfriars.

1. Genealogy of the family of Cornwall of Bonhard, R. Stodart 1877; Abercorn Charters <sup>A</sup> 2-4 143.

2. <sup>A</sup> 4-11 150; <sup>A</sup> 26-28 263.

3. Abercorn Charters <sup>A</sup> 3-1 144.

3. SIR WALTER SETON, 1st BT. OF ABERCORN.  
1631-1692.

His father having disposed of Kilcreuch and Graden, and left his affairs in an embarrassed condition, Walter Seton was forced to earn his living as a merchant in Edinburgh; but his ambitions lay rather in the direction of public or State service, and he obtained an appointment in the Customs at Prestonpans.

How long he remained there is not known, but in due course, before 1663, he was Taxmaster of Customs and Excise, and "Customer" in Edinburgh. An appointment of this sort was certain to make the holder unpopular sooner or later, and from this unpopularity, largely caused by his own enthusiasm in performing his duties, he suffered greatly in later life, as is shown below.

On the other hand, success in the collection of the King's Revenue had the result of bringing him to the notice of the Fountain of Honour; and to that success he owed his Baronetcy.

It is not possible to estimate the value of the Taxmastership, as it was, apparently, worked on a system of payment by results; but by 1660 there is no doubt he was a man of some means, and a prominent personality in Edinburgh.

Walter Seton was also a man of the world, and made friends with influential persons, notably his kinsmen George, fourth Earl of Winton and Alexander Seton, Viscount Kingston.

On 5th September 1660, he was made a Burgess and Guild Brother of Edinburgh "as sone lawfull to umquhile "Alexander Settoun of Graddone, his father".<sup>1</sup>

At this time, he was living at Northbank, Linlithgowshire, on the property of the Cornwalls, his mother's family. But, by the close of 1661, he struck out on a great scale, and acquired from Viscount Kingston the lands, lordship and barony of Abercorn, with the heritable office of Sheriff of Linlithgow, for a sum of

1. Abercorn Charters <sup>A</sup><sub>4-1</sub> 145.



£3000. (See Lands and Barony of Abercorn, supra.) The "reddendo" of this property, which was held of the Crown, consisted of "three suits in capital pleas at our Sheriffdom of Linlithgow, with services of ward and relief and marriage, and £153 at two terms". On 17th January 1662 a Royal Charter was granted to him under the Great Seal.<sup>1</sup>

The next step in his advancement was on 3rd June 1663, when Charles II conferred on him and his heirs male of his body

"the dignity, title, degree and Honour of Knight Baronet"

with such "place of precedence and dignity, immunities etc" as appertain thereto.<sup>2</sup> This was duly sealed with the Great Seal on 18th June 1663.

The interesting point about the Charter is that it explains why the dignity was conferred. The preamble states that it was

"well knowing the true love and the zeal of our beloved Walter Seton of Abercorn, Sheriff Principal of our County of Linlithgow, in promoting our Service, and that, by his industry, our revenues have been increased not a little".

Sir Walter's position, as "Chief Customer", was evidently greatly enhanced by this Royal favour; but his "love and zeal" brought difficulties in his way.

In 1664, the measures he adopted to enforce the payment by the merchants of the customs duties on all cloth imported from England and abroad, resulted in a somewhat serious riot in the City. Finding the merchants recalcitrant, he summoned military aid, closed the shops, and put sentries on the doors to prevent business being carried on.

The apprentices, one dark night, rose in a body, attacked his lodgings in Edinburgh, and tried to capture him; having had timely warning, he escaped. The resulting disturbance necessitated the summoning of troops

1. Abercorn Charters  $\frac{A}{4-2}$  146; Reg. Mag. Sig. LX. 125.

2. " "  $\frac{A}{4-3}$  147.

from the Castle, and firing ensued, by which an apprentice was killed.<sup>1</sup>

This incident was undoubtedly, directly and indirectly, the cause of the troubles which befell him. His strictness in dealing with these defrauders of the Revenue made enemies of the merchants, and, through them, of their political supporters who were opposed to this taxation; and they combined to overthrow him.

In the Lauderdale Papers<sup>2</sup> is a group of documents, which cover some six months of 1668. In March, the Earl of Tweeddale, who had an important part in the conduct of the Scottish administration, wrote to his son in law, John Earl of Lauderdale, about "defalcations" alleged against Sir Walter; he advised Lauderdale to report the matter to the King. There was an enquiry, and it was stated that Sir Walter was prepared to make an offer. Lord Bellenden, on the other hand, considered Sir Walter had had no chance to defend himself.

It is not possible to ascertain the nature of the charges against him, but, in a letter to Lauderdale, of 4th Sept. 1668, he says:

"I was unwilling to give your Lo/ship further trouble till I understood your proposal, which is, unless I pay £4000 and renounce the bay-salt tack, noe accommodation can be. I am most willing to give all obedience".

Whatever it was, there can be no doubt that there is no question of any stigma attaching to him, as in the following year and up to 1674, he was one of the Commissioners for Linlithgow in Parliament.

Sir Walter had become an authority on the salt industry, and on 3rd January 1668, the Earl of Winton and eleven other noblemen and gentlemen wrote to Lauderdale as follows:

"Sir Walter Seatoun, as one concerned with us, being Heretor of coall works and a manufactory

1. Nicoll's Diary 424.

2. Lauderdale Papers. Addit<sup>1</sup>. MSS. 23129. British Museum; Abercorn Charters  $\frac{A}{4-4}$  148.

of salt within this kingdome, did in April 1665 so represent the sad condition wherein wee wer involved by the frequent importation and consumption of Foraigne salt imployed for domestick use, that your Lordship was pleased to offer the same to His Majestie's consideration, whereupon H.M. was pleased to impose ye soume of £12 Scots upon each boll of Foraigne salt imported".<sup>1.</sup>

The reference to his being a "heritor" is explained by the fact that in 1669 he was infeft in 24 acres of land in Little Carriden on the Forth, where he practised salt production. Whether this indicates that he had given up his official position, however, is not known.

Between him and Lord Winton there was close friendship, and during the Earl's frequent absences abroad, Sir Walter was one of his commissioners for the administration of his estates. His colleagues in this work, in 1670, were James Seton, elder and younger of Touch, George Seton of Barns, John Seton of St. Germain's, and Alexander Seton of Pitmedden.<sup>2.</sup> During that year he had frequent letters from the Earl, who was at Rotterdam.<sup>3.</sup>

In 1674 Sir Walter and James Dundas sued the freeholders of the County of Linlithgow, for payment of their fees as Commissioners to Parliament. The freeholders denied liability, except for the days on which the Commissioners actually sat, and when the case came into Court, this action was upheld.

On 29th July 1681, Sir Walter Seton - who was styled "of Northbank" - and his brother in law James Cornwall of Bonhard, gave a tack or lease to Walter Seton, younger,

"all their coalheughs (pits) of Bonhard, Northbank, Ryhill, Eastfield and Bonsyde .. the one half pertaining to Sir Walter and the other half to James Cornwall, in so far as the coal can be wrought with 24 coal hewers, for 5 years beginning 1st August 1681".<sup>4.</sup>

1. Lauderdale Papers. Addl. MSS. 23128 p. 242.

2. Seton: Family of Seton I. 241.

3. Abercorn Charters  $\frac{A}{4-5}$  to  $\frac{A}{4-10}$  149.

4. ib  $\frac{A}{4-12}$  151.

This shows that Sir Walter had acquired certain coal pits at and about Northbank, where he had always lived.

It was further agreed that Walter Seton junior was to pay £1800 Scots yearly to James Cornwall "in part payment of debts due by Sir Walter to James Cornwall".

Sir Walter's financial position had become embarrassed, and in 1678 he sold Abercorn. He had already, apparently, given a bond on the estates to James Cornwall. (See Lands of Abercorn).

In 1686, and again in 1688, he had to get a protection from his creditors,<sup>1</sup> and on his death, he left nothing.

Sir Walter died on 20th February 1692, and was buried with his wife, in the Maule Tomb in Greyfriars.

He married, in or about 1657, Christian, daughter of George Dundas of that ilk, and by her had a considerable family:

1. Walter born 1658, who succeeded.
2. Alexander born about 1663. Collector of Excise at Linlithgow. He married Margaret McCall and had 16 children, and from him are descended the Setons of Preston and Elsdund. q.v.
3. George. Nothing is known about him. He was witness to a contract by Lord Winton, dated March 1683.
4. Christian born 1664. Married Henry Sinclair of Carlowrie, and died on 19th April 1759, in her 96th year.
5. Grisel married in 1693 Edward Hodge, Shipmaster of Grangepans. It was to her, for the provision of "brydle cloathes" that Sir John Foulis gave £100 on 24th March 1693. She left two daughters, Christian and Isobel<sup>2</sup>. She died in 1742.

1. Reg. Mag. Sig. LI. folios 218, 402.

2. Abercorn Charters <sup>A</sup><sub>9-2</sub> 173; Acct. Book of Sir John Foulis p. 156.



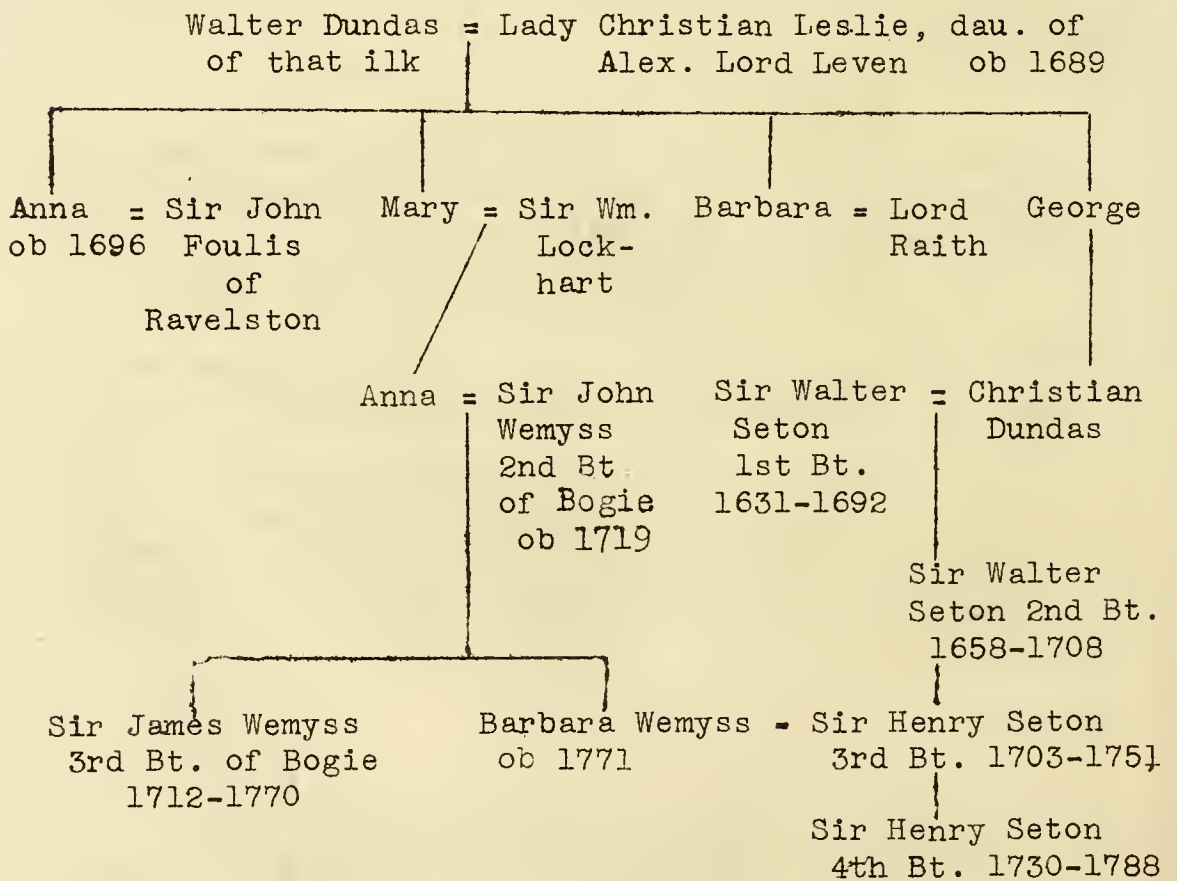
6. Anne married Gilbert Sheriff, merchant in Prestonpans. She died in 1696.

7. Mary married Andrew Hay, merchant in Prestonpans, brother of James Hay of Carribber.

4. SIR WALTER SETON, 2nd Baronet, of Abercorn.

1658-1708.

By his mother, Christian Dundas, Sir Walter became connected with the families shown in the annexed Table:



Of the early life of Walter Seton nothing is known. He was 23 years of age when his father, as shown above, arranged a tack or lease of the coal pits at Northbank; whether he took advantage of it is not recorded.

He may have commenced his legal education in Edinburgh, but he certainly went abroad to the Low Countries to continue his studies, and possibly also because of his political views.

John Erskine of Carnock,<sup>1</sup> son of Lord Cardross, who became a fervid supporter of William of Orange and raised a regiment of dragoons for him, was abroad at the same time, and was a man of similar views and tastes. In his diary<sup>2</sup> he states that Walter was studying in Leyden in 1685 and later, in 1686, that he was at Utrecht College under the assumed name of Hamilton. This suggests that Walter Seton was already concerned in political intrigues.

Many years later, when Sir Henry Seton put up his claim for the Armourbearership in 1761,<sup>3</sup> he commented on the fact that Walter Seton was a man unlike his father or his ancestors, as he was a whole hearted supporter of the House of Orange; he then adds:

"This he showed by retireing to Holland, and coming over thence as a Volunteer with King William in 1688. Sir Walter did deviate from the Tory principles of his predecessors, and was one of the Scots gentlemen who went to Holland and attended King William to England; which apostacy so offended the Laird of Touch that he altered the succession of his Estate, which had gone in the male line for several hundred years, and settled it upon heirs male or female".

The facts were as stated, as is clearly shown in the note on the Armourbearership. (See Seton of Touch).

On his return to Great Britain in 1688, Walter Seton secured the appointment of "Commissary Clerk" of

1. Scots Peerage II. 366.

2. Carnock's Diary (Sco. History Society) passim.

3. Abercorn Charters <sup>A</sup> 10-11 178.

Edinburgh, possibly through his father's interest.

On 20th February 1692, Walter Seton, to quote Riddell,<sup>1</sup> "succeeded his father in title, but it is believed in little else". On 14th January 1695, he was admitted to the Faculty of Advocates, but there is no evidence that he ever practised his profession. There is no doubt that by 1697, he was acting as attorney for the fourth Earl of Winton, for whom his father had for many years acted as Commissioner; and he must have been aware of the causes of the friction - never yet revealed - between the Earl and his eldest son, which resulted in the latter disappearing from home in 1700, and going abroad.

When the Earl died on 6th March 1704, the heir was still absent, and trouble speedily ensued when his kinsman Archibald, second Viscount Kingston, and his brother James took possession of the estates, and administered them. Kingston went further in claiming that the fifth Earl was born out of wedlock, and that he himself was the rightful heir.

Sir Walter appears to have discussed the position with the Duke of Perth, the Earl of Eglinton, and James Seton of Touch, and, in October 1704, he went abroad to look for the Earl of Winton and endeavour to induce him to return.

There is no exact record of his wanderings, but he found him some time in 1705, as in November of that year, he had letters from Perth and Eglinton, to whom he had written.<sup>2</sup> From these it is clear that Sir Walter had found the Earl very difficult to handle, and failed to get him to grant a power of attorney or "factory" to deal with the estates.

In March 1706, therefore he returned home, as is shown by his passport,<sup>3</sup> and the Earl himself followed in 1707. Sir Walter's action was entirely disinterested in this matter.

1. Riddell: MS. Baronetage of Scotland (National Library).

2. Abercorn Charters  $\frac{A}{5-5}$ ,  $\frac{A}{5-6}$ . 156.

3. " "  $\frac{A}{5-8}$  157.

He did not long survive his return, and died at Preston near Linlithgow on 3rd January 1708, and was buried in Greyfriars.

On 2nd September 1702, Sir Walter married Eupham Melvill, daughter of Sir Robert Murray of Prestfield, and had issue:

1. Sir Henry who succeeded. Born 2nd August 1703.

2. George, born 18th July 1704, entered the Navy, and died as a Lieutenant, unmarried, after 1724.

3. Robert born 9th August 1707. He became a Writer to the Signet, and combined his legal work with a variety of commercial undertakings, including a small brewery in Kirkcaldy, and a share in a whale fishery.

During the Rising of '45 he was assistant to George Frazer, who was in charge of the subsistence of Jacobite prisoners in Edinburgh and many of the jails in Scotland, and his counter signature appears on the weekly charges of the jailers. A folio manuscript volume of these returns was among the Touch papers,<sup>1</sup> and is now in the possession of the writer. The original copy is in the National Library. The information obtained from these returns formed the basis of the "Prisoners of the '45" by Sir Bruce Gordon Seton.

On the death of his brother Sir Henry Seton, he helped Lady Seton to carry on the Edinburgh Brewery, which was the main source of her income.

He died unmarried in 1760, and left an estate amounting to about £3000, which he bequeathed to his nephews and niece.

He was buried in Maule's Tomb, in Greyfriars.

4. Agnes born 8th April 1706, died young unmarried.

Sir Walter's Testament showed that his estate was only

1. Seton Inventory p. 23 No. 4; Abercorn Charters <sup>A</sup><sub>9-1</sub> 172.



£2133. His wife Dame Eupham Melvill Murray married again, on 8th April 1714, a Dr. William Eccles.<sup>1</sup> Her husband, however, died in 1724, and on 6th November 1724, Dr. James Eccles, his son by an earlier marriage, gave a bond of corroboration, binding himself to implement her marriage contract, amounting to the interest on 10,000 merks.

5. SIR HENRY SETON, 3rd Baronet, of Abercorn.  
1703-1751.

On his father's death on 3rd January 1708, Sir Henry was a child of five. He was probably brought up by his mother, and inherited practically nothing. In fact, until he married in 1726, the daughter of Sir John Wemyss of Bogie, who had a dowry of 7000 merks, he must have depended on his mother for his support.

Shortly after his marriage he had a tack of a property in Robertson's Close, Edinburgh, from the Managers of the Royal Infirmary. Here he started a brewery and carried it on during his life time.

Few records regarding him have survived, except the burgess tickets of Glasgow, dated 29th August 1732, and of Edinburgh, dated 3rd August 1737.<sup>2</sup>

The Touch-Abercorn controversy.

The last three years of Sir Henry's life were complicated by the legal processes instituted by Elizabeth Seton of Touch, and her husband Hugh Smith or Seton,

1. Abercorn Charters  $\frac{A}{6-1}$  to  $\frac{A}{6-5}$  159.

2. " "  $\frac{A}{7-1}$   $\frac{A}{7-2}$  160.

against him. The matter is dealt with at some length elsewhere. (See Elizabeth Seton of Touch), but, in brief, the position was as follows:

When Archibald Seton of Touch married in 1721, he resigned his lands and the heritable office of Armour-bearer for new infeftment in favour of heirs female as well as heirs male. This cut out the Setons of Abercorn from any chance of succession.

When Archibald died, his infant son James was retoured under the old infeftments existing prior to the new one of 1721. This was not discovered, or, if it was, it was not changed during his short life. He died in 1742, and was succeeded by his sister Elizabeth, who correctly was retoured "heir of provision".

On 30th November 1748, Elizabeth and her husband raised the question in Court,<sup>1</sup> against Sir Henry Seton as heir male of Touch. The object of this action was to compel Sir Henry to retour himself heir male of Touch, and then to resign the lands in favour of Elizabeth Seton.

Summons after summons to appear in Court was sent to him, but he took no notice; and for some unknown reason, the Court took no disciplinary action. Ultimately they issued a decree in favour of Elizabeth.<sup>2</sup> And, when he died in August 1751, Sir Henry had still failed "to procure himself infeft in the lands and barony as heir male special to James". His son, Sir Henry, explained his father's contumacy by expressing the opinion that it was "because he did not think fit to make any stir, or lay claim to the estate"

In 1726, Sir Henry married Barbara, daughter of Sir John Wemyss, second Baronet of Bogie, in Fife, and sister of the last Baronet Sir James. By her he had four sons and a daughter:

1. Sir Henry born about 1730, who succeeded.
2. George entered the naval service of the East

1. Touch Charters  $\frac{T}{Q-12}$  57.

2. Abercorn Charters  $\frac{A}{7-7}$  to  $\frac{A}{7-8}$  165, 166, and  $\frac{A}{10-4}$  177.

India Company and died in 1766, with the rank of Mate. There are some reasons to believe he married Barbara Seton, of the line of Seton of Parbroath, but does not appear to have had any children.

3. Alexander born 7th July 1741, was in business in London for some years, but was certainly back in Edinburgh in 1772, when his brother Sir Henry gave him a sub-tack of the brewery.<sup>1</sup> Nothing more is known of him, but he died on 19th May 1801, and was the last member of the family to be buried in Maule's Tomb in the Greyfriars.

4. Robert went into the East India Company's Navy and died at sea in 1769.

5. Janet married on 27th March 1763, Capt. Hugh Debbieg, an Engineer Officer in the Army, who lived till 1818.

Sir Henry died in Edinburgh on 18th August 1751. His widow long survived him, and attempted to carry on the Brewery, but, with no success from the trading point of view. She was, of course, at the mercy of her staff, and the quality of the beer was so poor, that no one would drink it. She died in 1770.

6. SIR HENRY SETON, 4th Baronet, of Abercorn.  
1730-1788.

A very different man from his father, Sir Henry, fourth Baronet, embarked very early in a military career. Assuming that 1730, the date usually given for his birth, is correct, he was only fifteen when he entered the Army of the States of Holland on 1st March

1. Abercorn Charters <sup>A</sup>10-29 185.

1745, and was given a Commission in Captain Buchanan's Company of the Regiment of General "Colyear", in the Scots Brigade. <sup>1</sup>.

Five years later, on 3rd July 1750, he had a Commission as Captain in a regiment stationed in Surinam, <sup>2</sup>. and served there until his father's death in 1751. When the news of that reached him - and it must have taken a long time - he returned home, arriving in October 1752, and resigned his Commission.

What happened to him during the years 1753-1756 is not known, but, on 5th January 1757, he was shown as Captain in the 78th Regt. Fraser's Highlanders, then serving in Canada.

On 22nd April 1759, he joined the 17th Foot as a Captain, with army rank antedated to 17th July 1757, and, with that Regiment served in the Brigade of Hon. R. Monckton in the action of the Heights of Abraham, on 13th September of that year. On that occasion, and for some time afterwards, he was A.D.C. to General Monckton, with whom he served during the time he was Governor and Commander in Chief in New York.

He saw a good deal of fighting, in the operations against the French at Montreal in 1760, the capture of Martinique in 1762, and the Indian expeditions on the Canadian frontier 1764/5. <sup>3</sup>.

In 1766 he came back to Edinburgh as Recruiting Officer, and finally retired from the Army in 1770, after some 25 years service. This was probably the result of his marriage.

From correspondence with old friends still serving in that country, he apparently liked America and would have liked to return there; in 1768 he was anxious to obtain the post of Deputy Adjutant General in Ireland, in succession to his friend Col. Stirling, but said he could not hope to do so, owing to the political party then in power having their own nominee.

1. Abercorn Charters <sup>A</sup>  
10-1 175.

2. " " <sup>A</sup>  
10-2 175.

3. History of the Services of the 17th (the Leicestershire)  
Regt. Col. E.A. Webb.



The Touch-Abercorn controversy.

When Sir Henry returned from abroad in October 1572, on his father's death, he found the matter of the Touch estates had been settled, but that the formal re-touring of himself as heir male of entail to the deceased James Seton of Touch, was still unsettled. Before deciding what he would do, he considered it necessary to inspect the Touch writs, and raised a summons before the Lords of Session against Elizabeth Seton of Touch and her husband, to produce them.

The case was heard on 1st February 1755,<sup>1</sup> and the Lords sustained Elizabeth's objection and

"Found the pursuer has no right, as apparent heir male in the estate, to call for further exhibition of the Writs".

Sir Henry, however, unlike his father, took a great personal interest in the matter, from the point of view of the Hereditary Armourbearership. He was convinced in his own mind that, if he retoured himself heir male to Seton of Touch, the actual possessors of that property could not claim that office, as they only held Touch as heirs in the female line.

Consequently he could then hope to substantiate his own right to it, and complete the process he had already started.

The Armourbearership.

Immediately after his father's death in 1751, Sir Henry had got his uncle, Robert Seton, to draw up a Memorial showing his claim to be the Hereditary Armourbearer, and this was drawn up in June 1753.<sup>2</sup>

Having, however, been posted to the Fraser Highlanders in 1757, and sent abroad, he could not take any action for some time. His uncle, Robert Seton W.S., died in 1761, and he appointed James Keay as his legal

1. Abercorn Charters  $\frac{A}{10-4}$  177.

2.     "             "              $\frac{A}{10-8}$  to  $\frac{A}{10-10}$  178.

adviser. In June 1761, the Memorial was printed narrating the history of the Armourbearership, and stating:

"My humble suit is that the Grant of 1681 of the heritable office may, by His Majesty's grant and favour, be renewed to him as heir male of the family of Touch, to whom that office has now devolved".<sup>1.</sup>

This was accompanied by a blank Commission<sup>2.</sup> by Sir Henry, styling himself "His Majesty's hereditary Armour-Bearer for Scotland", appointing an individual not named

"to appear in my name at the Coronation of His Majesty George III .. taking place in the procession".

This document was dated South Carolina, Charlestown, 1st March 1761.

Meanwhile James Keay had taken steps to have Sir Henry retoured "heir male general to Archibald Seton of Touch", which was completed on 8th August 1761. Writing to Sir Henry on 7th October 1761, James Keay said he had sent the claim for "walking at the Coronation" to London, but it was refused

"as we could not get a proof of the Armourbearer being in use to walk at Coronations - the Registers being long ago burnt".<sup>3.</sup>

At the same time, the Agent said,

"The propinquity of rights were not disputed".

Sir Henry took no further action in the matter until 1785, when Hugh Seton of Touch, ten years after the death of his wife, being in a desperate need of money, reopened the question with a view to getting the salary of the office in arrears for a period of about a century. A suit was initiated by him, into which Sir Henry was drawn as the rival claimant, and he was forced to consult legal opinion.

- |    |                   |             |      |
|----|-------------------|-------------|------|
| 1. | Abercorn Charters | A           | 178. |
|    |                   | <u>10-6</u> |      |
| 2. | "                 | A           | 178. |
|    |                   | <u>10-7</u> |      |
| 3. | "                 | A           | 178. |
|    |                   | <u>10-8</u> |      |

As, before the consideration of the claim, Hugh Seton, by political means, had induced the King to receive him as Armourbearer, the Lord Advocate advised Sir Henry not to appear in the case.<sup>1</sup>

Sir Henry thereafter dropped the matter.  
(See The Heritable office of Armourbearer - Seton of Touch, Above.)

### The Gordon Peerage.

Some years after he had been retoured heir male of the line of Touch, Sir Henry made preliminary researches into his position as heir of line of Alexander Seton, Lord Gordon. There is no record in the Touch charter chest of any previous member of the family having done so; apparently Sir Henry was the first to attempt to clear it up.

In an account of expenses with his lawyer, James Keay, there appears an entry dated March 1768, for £10,

"To pains and trouble in procuring evidence of your title to the honours of Gordon, in searching through sundry bags of old papers in Lady Seton's house, to connect your title to the Touch family. Searching the Laigh Parliament House and Chancery for that purpose, also searching the two large Folio Volumes of Haddington's Collection of old writs in the Advocates' Library, Carrying on your Service as heir to James Seton of Touch, searching the Records of Parliament since the Union, searching the Treasury Accompts, Fordoun's Scotichronicon, Rymer's Foedera Etc. and making notes thereon".<sup>2</sup>

Some years later, in 1785, he sent his brother in law, Col. Debbieg, copies of a "Memorial concerning the Honours of Lord Gordon", dated 1764.<sup>3</sup> There is also an

1. Abercorn Charters	A	to	A	178,179.
	10-14		10-18	
2. " "	A			183.
	10-27			
3. " "	A		A	195.
	10-40		10-41	

undated Counsel's opinion on the case by A.G. Macdonald entirely unfavourable to the claim, and expressing the opinion that the title of Lord Gordon was merely that of a Lord of Barony.<sup>1</sup>

There is no evidence that Sir Henry ever took any further action.

#### The American Lands.

Some time before 1760, Genl. the Hon. Robert Monckton and Genl. James Murray sent a Memorial to the King, narrating that they had served throughout the war, during the conquest of Quebec and Canada, and that already the services of Lieut. General Sir Jeffrey Amherst had been recognised by a grant of all the possessions of the Jesuits in Canada. They therefore pray that they too may have a grant of the lands of the Community of St. Sulpice.

This system of granting lands was extended to other officers as a reward for services; and among the applicants was Sir Henry. The grant was made in due course; and, on 25th August 1766, before leaving the country he gave a Power of Attorney to the Hon. Oliver de Lancey to carry through the legal formalities.

Writing to him from New York on 23rd Dec. 1766, Colonel the Hon. Richard Maitland told him that the Governor of New York, Sir Henry Moore, was trying to claim the lands belonging to Sir Henry Seton and himself, and that he had entered a "caveat" against his action.<sup>2</sup> After somewhat prolonged correspondence with the Governor, the patent was signed by him on 18th July 1767, and narrated that the "parcel of land" lay "on the west side of Hudson River, in the County of Albany". It is now known as Durham, Green County, and amounted to 3000 acres.

The correspondence shows that, in the actual allocation of such "bounty lands", conscious fraud as well

1. Abercorn Charters A 195.

10-41

2. " " A 181; and A 190.

10-24

10-34



as gross incompetence characterised the dealings of the officials in the Governor's office. The same land was granted to more than one individual, or was found to have some unrecorded claim on it by an earlier grantee, or the maps and plans were falsified.

In Sir Henry's case there were already settlers on it, who claimed ownership and could not be ejected, and he could not, therefore, carry out his contract to settle a family on each 1000 acres.

When the War of Independence ended, the position of the bounty landowners became practically impossible, as British subjects were not allowed to hold real estate; fresh settlers too came in and settled, and cut down the timber. At last on the advice of his legal friends, Messrs. R. & J. Watt, in 1786, Sir Henry decided to sell the estate. Before the negotiations were nearly completed, however, Sir Henry died.

To complete the story, Sir Henry's widow was advised to part with the lands for what they would fetch in 1793. Part of them fetched from 12/- to 16/- an acre, and two years later for 20/-. The total realised was about £1100.<sup>1</sup>

#### The Lands of Culbeg, Stirlingshire.

Shortly after Sir Henry came home from the Dutch Army, on succeeding to the Baronetcy he obtained possession of the lands of Culbeg, and had a Royal Charter thereof, dated 23rd Feb. 1753.<sup>2</sup>

The Charter narrates that the estate consisted of "5 husbandlands with mill, houses, gardens, parts and "pendicles" in the parish of Gargunnock; and that it "belonged heritably to George Moir of Leckie, who re-"signed it in favour of Sir Henry, his heirs and assigns, to be held in "free blench-ferme" of the Crown.

1. Abercorn Charters A  $\frac{10}{40}$  194, note "Statement of Lady Seton's Affairs 1801".

2. " " A  $\frac{10}{3}$  176.

Whether Sir Henry bought the land in order to have a territorial connection with the old property of Gargunnoch, which had belonged to his ancestors, we do not know. It is possible George Moir carried out a nominal surrender of it, in order to have a County vote for Stirlingshire at his command.

Writing to Sir Henry's daughter Anne, on 29th November 1810, Sir Alexander Seton of Preston described it as a "shabby life rent vote, which he took to oblige Moir of Leckie, from whom he had other well founded aspirations".<sup>1</sup>

However that may be, there is no doubt that Sir Henry was thereafter styled "of Culbeg", and the learned George Seton, in his History of the family, appeared to think he was accurate in styling it "of Culbeg or Abercorn"!

That the estate passed to his daughter Anne is certain,<sup>2</sup> as she was summoned to appear before the Court of Session as an interested party in a neighbouring part of the same estate.

#### Collectorship of Salt Revenue.

On retiring from the Army in 1770, Sir Henry entered into an arrangement, with his wife's father and brother, to acquire the reversion of the office of Collector of the Salt Revenue at Bo'ness.

The procedure adopted<sup>3</sup> was not one that would be tolerated today. Charles Murray was Collector of Customs at Bo'ness. In June 1770 Sir Henry, his father in law Alexander Hay of Drumelzier, and his brother in law William Hay, gave him a bond for a sum of £3000, which they stated they had received from Murray. This bond was handed over to Murray's lawyer, with instructions not to register it for 6 months; if within that

1. Abercorn Charters A  $\frac{12}{2}$  199.

2. " " A  $\frac{12-1}{12-1}$  198.

3. " " A  $\frac{10-28}{10-28}$  184.

time Sir Henry got the Bo'ness job on Murray's resignation, the bond held good; if not it was invalid.

Murray, however, died on 4th July 1770, and his trustees registered the Bill for £3000, and brought an action for payment against the granters.

Meanwhile, Sir Henry got the appointment, and then took steps to stop the pending action, on the ground that Murray had died, without resigning in his favour, and that, therefore, there was no claim against him.

The case went to the Court of Session, which upheld Sir Henry's argument; on a threat of appeal, however, Sir Henry offered to compound for a payment of £1000. This was accepted.

Until his death in 1788, Sir Henry held the appointment, and lived at Bridgeness. The work was not onerous, and he had time to go about in Society and to hunt.

Having been made a guild brother of Edinburgh on 26th Oct. 1763, in later life he had conferred on him burgess tickets of Linlithgow, Culross, Dunfermline and Queensferry.<sup>1</sup>

In June 1782, he was a signatory to a petition put up by all the Collectors in Scotland, for an improvement of their emoluments.<sup>2</sup> It is not known what resulted from this.

### The Badge of Nova Scotia.

In 1775, the Lyon drew the attention of baronets of Nova Scotia to their right, under the Royal Warrant of 17th November 1629, to wear a badge, and suggested a general meeting of the Order. It was decided at this meeting, on 14th June 1775, that Badges should be bought from the Lyon Depute. Sir Henry bought one, which has ever since been worn by his successors.<sup>3</sup>

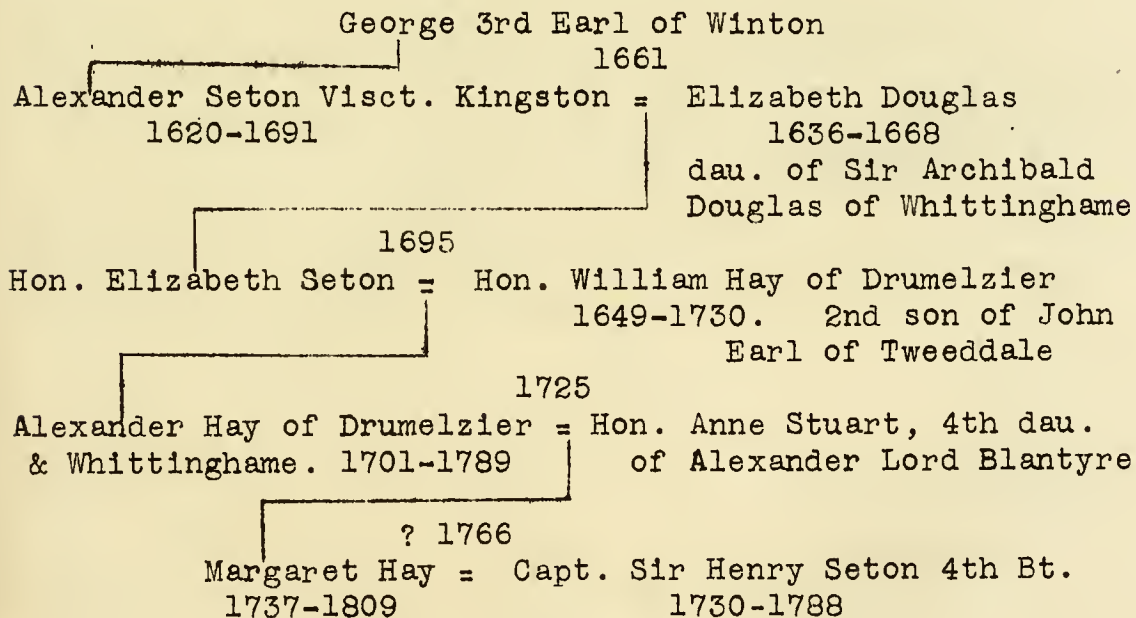
1. Abercorn Charters	<u>A</u>	to	<u>A</u>	18
	10-19		10-23	
2.     "             "	<u>A</u>			191.
	10-36			
3.     "             "	<u>A</u>			187.
	10-31			

Sir Henry was a good correspondent, and kept in touch with his old friends who had been with him in America, notably with General Sir Thomas Stirling Bt., J. Watts of New York, and Col. the Hon. Richard Maitland; also with his brother in law, Col. Debbieg. Their letters still exist in the Charter chest. He was evidently very popular wherever he went.

He died, apparently unexpectedly, at Bridgeness on 29th June 1788, and was buried at Carriden.

### Marriage.

In or about the end of 1766, Sir Henry married Margaret Hay, daughter of Alexander Hay of Drumelzier and Whittinghame, who was herself a descendant of George third Earl of Winton, as shown below:



By this marriage there were two sons and three daughters.

1. James born February 1768. Died in infancy.
2. Alexander born 4th May 1772, who succeeded.
3. Anne born 1775, and died 1850 unmarried.



She was a woman of great personality, and well known in Edinburgh. Sir Alexander Seton of Preston and she carried on a correspondence in the years 1810/13, part of which survives.<sup>1</sup>

In 1824 she built a house "Dunedin Cottage" in Corstorphine, which still exists; she sold it in 1843, and came to Edinburgh where she lived in Manor Place, until her death. She had frequent trouble with her lawyers and tradespeople; but her kindness to animals was remarkable, and she erected many watering troughs for horses.

She, and her sister Margaret, were buried in St. John's Church, Edinburgh.<sup>2</sup>

Among her papers is one showing that she was, in 1793, still owner of Culbeg.<sup>3</sup>

4. Barbara born 1778, died 1823. She married, in 1796, John Edmonstone of Newton, Advocate and Sheriff of Bute.

5. Margaret. She survived her sister Anne, and died unmarried.

Lady Seton survived her husband, and died in March 1809 at Spott House.<sup>4</sup> Her estate, most of which was in trust for her children, amounted to about £7000.<sup>5</sup>

1. Abercorn Charters A 199.

12-2

2. " " A 201.

12-4

3. " " A 198.

12-1

4. Scots Peerage VIII 451.

5. Abercorn Charters A 197.

11-7

7. SIR ALEXANDER SETON, 5th Baronet of Abercorn.  
1772-1810.

Through his mother, Margaret Hay, Sir Alexander was great great grandson of Alexander Seton, first Viscount Kingston, one of the sons of the third Earl of Winton. On his father's side he was heir male general of the line of Touch, and heir male of the body of Alexander Seton, first Lord Gordon, who died in 1440.

In his own person, therefore, he represented directly the Seton Gordons and also the main line of the family.

He was born on 4th May 1772, and in 1786, his father started raising interest for an appointment in the East India Company, having failed to obtain an Ensigncy for him in the Army, even at the price of £250.<sup>1</sup> Correspondence went on between Sir Henry's brother in law, Robert Hay of Drumelzier, who had served in the Company's Civil Service for 38 years, and Henry Dundas, afterwards Viscount Melville, who was on the Board of Directors.<sup>2</sup>

Just before Sir Henry's death, Robert Hay was informed that young Alexander was first on the list for an appointment; but it is not known when he started for India. He left a Power of Attorney to his mother and his uncles Robert and James Hay, dated 1788; it must be assumed, therefore, that he started his Indian career as a "writer" when he was about 17 years of age.

His career was uneventful, and no record whatever remains of it until January 1806, when he held the appointment of Judge in Tirhoot, in the province of Bengal. Grave malpractices in the administration of justice had been discovered, the offender being a native official. No charge of being personally implicated was ever made, but Sir Alexander was accused of laxity in dealing with the individual, who was one of his subordinates. He was suspended from duty, and an enquiry took place which lasted over a period of two years.

1. Abercorn Charters	<u>A</u>	192.
	10-37	
2.       "               "	<u>A</u>	194.
	10-39	

Against this action he protested.

He sent frequent letters to his superiors, Sir George Barlow Bt. the acting Governor General, J. Lumsden Member of Council, and others. The only satisfaction he got was that the Governor General regarded the censures passed upon him as "vile calumnies", and that "in the end" he would receive justice.<sup>1.</sup>

He then sent the whole correspondence to Lord Melville, and informed him that he had been suspended from office and salary "for interrupting Mr. Smith, the acting Judge of Circuit in an enquiry, which originally "had not the remotest reference to myself, but Mr. "Smith chose to adopt a mode of procedure directly injurious to my private character".<sup>2.</sup>

On 10th June 1808, Lord Minto posted him as Collector to Shahabad, a lower paid appointment.<sup>3.</sup>

He had repeatedly asked to be allowed to state his case, but this was ignored, pending a reply from the Court of Directors, to whom they had already submitted a dispatch. He decided therefore to go home and press his own suit.

Having reached Calcutta, to embark with his wife and family, Sir Alexander was taken ill, and died on 4th February 1810.

Most women would have let the matter drop; but Lydia Blunt, Lady Seton, was a fine fighter. On reaching home she drew up an official complaint to the Court of Directors, in regard to Sir Alexander's appeal. Meanwhile the Court, by no means satisfied with the legal aspects of the case brought against the original offender, Phikoo by name, demanded more information from the Governor General, in a dispatch dated 14th Feb. 1812. They added that, if any doubt of Phikoo's guilt arises, "we shall consider the removal of Sir Alexander as having been altogether on mistaken grounds".<sup>4.</sup>

1.	Abercorn Charters	A	to	A	207.
		<u>14-5</u>		<u>14-9</u>	
2.	"	A			207.
		<u>14-10</u>			
3.	"	A			208.
		<u>14-12</u>			
4.	"	A			208.
		<u>14-13</u>			

Lady Seton sent a fresh and more strongly worded appeal to the Court on 30th June 1813.<sup>1</sup>

On 8th February 1813, Sir Charles Stuart wrote to her that the man Phikoo had been acquitted, and that this was the only thing required by the Directors to establish the vindication of Sir Alexander.

Finally on 9th April 1814, Lady Seton's persistence was rewarded by a letter from the Court of Directors saying:

"They have resolved that the removal of Sir Alex. Seton from the Judgeship of Tirhoot was a measure determined upon mistaken grounds, and his family have a just claim to compensation" based on pay actually lost by him.

The compensation was assessed at Rs 15000.

At the same time they wrote a stinging rebuke<sup>2</sup> to Bengal, in which they said:

"All we can now do is confined to the reestablishment of his character from every suspicion of corrupt practices in the discharge of his duty, and from .. the allegation in your letters which imputed to him culpable ignorance ... It would have been impossible for us not to have restored him to his judicial position".

They then ordered the Government to pay Rs 15000 to Lady Seton.

### The Indigo Factory.

Like so many Indian civilians of that period - who were officially styled "merchants", Sir Alexander went in for trading. The history of his intromissions in the sphere of commerce can be pieced together from correspondence, amounting to at least a hundred letters, carried on after his death by his energetic widow, Lydia

- |                            |                    |      |
|----------------------------|--------------------|------|
| 1. Abercorn Charters       | A                  | 208. |
|                            | <u>14-15</u>       |      |
| 2.       "               " | A       A          | 208. |
|                            | <u>14-16 14-17</u> |      |



Lady Seton and her brother Sir Charles Richard Blunt Bt.<sup>1.</sup>

In November 1807, when stationed at Tirhoot, he bought a half share in the Dulsing Serai Indigo estate and factory for Rs 32000, or about £3500. The estate was productive and, on one occasion at least, the yearly sales of Indigo brought in over Rs 44000. It was estimated that his share of the property was worth from Rs 40,000 to Rs 60,000.

Before his death Sir Alexander appointed two executors, viz. his old friend the Hon. Charles Bruce, son of the fifth Earl of Elgin, who had been a judge in India;<sup>2.</sup> and his brother in law, Sir Charles Blunt Bt. Mr Bruce died in December 1810, and the entire administration of the estate, including the Indigo business devolved on Blunt and Sir Alexander's widow, Lydia Blunt.

Correspondence between the two executors, she in England, and her brother in India, was at first cordial; but it soon became bitter, and then came to address in the third person. Finally it was carried on by lawyers

Lydia Blunt seems never to have grasped the fact that income derived from an indigo crop must be a fluctuating one; and there is no doubt the position was complicated by carelessness or fraud on the part of Sir Charles' agents in Calcutta.

Ultimately the estate was sold for Rs 43,000 in 1815. Lydia Blunt was still dissatisfied, and she brought an action against her brother in the Court of Chancery, on the ground that he had not paid her sums of money due to her.

Judgment on the case in favour of Sir Charles was actually drawn up on 13th April 1836, but, before it was formally passed, Lydia compromised and withdrew the case, with the concurrence of her three surviving sons.<sup>3.</sup> Sir Charles was then released of the Trust, after correspondence lasting over 26 years.

1. Abercorn Charters A 213.  
15-1

2. Scots Peerage III 491.

3. Abercorn Charters A 214.  
15-2

The Gordon Peerage.

Before 1805, Sir Alexander decided to raise the question of the claim of the Gordon peerage, utilising the memorial drawn up for his father, Sir Henry in 1764. He arranged, therefore, for a Power of Attorney to be sent, with the Memorial, for Counsel's opinion in London.

In due course the opinions<sup>1</sup> of Thomas Thomson, Edinburgh, and Alexander Mundell, London, were sent to him. The former said:

"I cannot conceive even the possibility of any discovery that could counteract the force of the evidence which exists upon record ... I have thought it right not to soften or disguise my opinion".

Mr. Mundell said:

"No person could advise Sir Alexander to present such petition".

At the same time, Sir Alexander asked Viscount Melville to help him in the claim. No answer appears to have been received.<sup>2</sup>

Sir Alexander then dropped the case.

Marriage.

On 20th May 1795, Sir Alexander married in Calcutta a very beautiful, and very remarkable woman, Lydia, seventh daughter of Sir Charles William Blunt, Bt., who had large interests in India. She had a brother, who succeeded as Sir Charles Richard Blunt, in the Company's service, and two sisters, Anna Maria, who married the Hon. Charles Bruce, and Charlotte, wife of General Sir Charles Imhoff. All these were in India.

Of her activities in regard to her husband's removal from his post in Tirhoot, and the disposal of his estate, enough has been said above. When left a widow

1. Abercorn Charters	<u>A</u>	<u>A</u>	211.
	14-21	14-22	
2.       "       "	<u>A</u>		212.
	14-23		

she settled down in Bath, and devoted herself most energetically to the interests of her sons. She had a great passion for painting, but her success in this line was negligible. She died, and was buried, in Bath, on 23rd February 1851.

By this marriage Sir Alexander had issue:

1. Sir Henry John who succeeded as sixth Baronet.
2. Sir Charles Hay who succeeded as seventh Baronet.
3. Bruce 1799-1876, Colonel, Bombay Army.  
(See below p.548.)
4. James born 2nd Oct. 1803 and entered the East India Company's Service. He died unmarried in Bombay, in 1834.
5. Alexander born 14th December 1805 and entered the East India Company's service. He died at Igatpuri, 20th June 1831.<sup>1</sup>
6. Anna Maria born 21st December 1800 and died in England in 1812.

#### Estate.

On Sir Alexander's death, his estate consisted of 90,000 Rs in Government 8 per cent paper, the life interest of which he left to his wife, with remainder divisible among his children. He also left the Indigo estate, which was sold for Rs 43,000, and the posthumous compensation of Rs 15,000 paid by Bengal for his removal from the Judgeship of Tirhoot.

It is a significant fact that, though he was out in India while Archibald Seton of Touch was there, the latter, in his voluminous correspondence with Sir Henry Stewart, never referred to him. They must have met in Bengal; but probably the inherited dislike of the Setons of Touch of that time for the Setons of Abercorn, - on account of the Armourbearership claims - manifested itself in this manner.

Sir Alexander died in the house of his brother in law, the Hon. Charles Bruce, in Calcutta on 4th February 1810.

8. CAPTAIN SIR HENRY JAMES SETON, 6th Baronet  
of Abercorn. 1796-1868.

Born in India on 4th April 1796, Sir Henry appears to have been sent home to be educated before his father's death in 1810. When his mother, Lydia Blunt Lady Seton came home, the family settled in Bath.

Lady Seton had no desire for an Indian career for him; and on 22nd October 1812, she purchased for him a commission as Ensign in the 73rd Highland Foot, or Mac-Leod's Highlanders, which had been renumbered the 71st, and is now known as the Highland Light Infantry. With this regiment he served in the Peninsula Campaign, until 21st April 1814, when he was promoted, without purchase, to the 52nd Foot.

After Waterloo Sir Henry found himself on half pay, on 25th February 1816. His mother tried to purchase a commission for him in the 14th Light Dragoons, but could not raise the necessary sum; on 12th March 1818, however, she obtained a Lieutenancy in the 5th Dragoon Guards for £600, his horses and equipment costing a further £100.

Finally, in 1825 he was promoted Captain, but did not get a troop in the Regiment until 1829; this cost his mother £2035.

The Colonel of the Regiment, after October 1816, was Prince Leopold of Saxe Coburg, who married the Princess Charlotte of Wales, daughter and heiress presumptive (until her death on 6th November 1817) of George IV. In 1822, Sir Henry obtained the appointment of Equerry in the Prince's suite, and served in that capacity after the Prince in 1831 became King of the Belgians, until 1837. During this time he mainly lived abroad.

He retired from the Army on 22 February 1831, to enable him to continue in Prince Leopold's suite.

As a recognition of his services Sir Henry, in 1832, was appointed a Knight Commander of the Royal



Guelphic Order, a Hanoverian institution. The official letter,<sup>1</sup> dated 2nd June 1832, addressed to him at Marlborough House was as follows:

"It gives me great pleasure to acquaint you that His Majesty has most graciously been pleased to nominate and appoint you a civil Knight Commander of the Royal Guelphic Order, the Decoration of which I have the honour of transmitting to you herewith..

Ompteda."

On 29th July 1837, Sir Henry was appointed Groom in Waiting in Ordinary to the young Queen Victoria, and continued to hold this appointment until his death in 1868.<sup>2</sup>

This appointment kept him permanently at Court, principally in London, and Sir Henry undoubtedly occupied a very influential position there and was consulted in matters, such as her marriage, affecting the young Queen, with whom he had been well acquainted since she was a small child.

#### The Armourbearership.

In 1820, while still serving with his regiment, Sir Henry again raised the question of the right of the Abercorn Setons to hold this office.

He submitted a petition to the Crown, narrating the nature and history of the claim, and praying:<sup>3</sup>

"Your Majesty's petitioner therefore humbly claims the said office .. with liberty, either by himself or sufficient Deputy, to walk at Your Majesty's Royal Coronation as such, and taking place in the Procession accordingly".

This petition went up to the Privy Council on 1st July 1820, and was referred to the Lords of the Committee for the coronation.

1. Abercorn Charters	A	217.
	<u>16-7</u>	
2.       "               "	A	220.
	<u>16-10</u>	
3.       "               "	A	215;   A   216.
	<u>16-1</u>	<u>16-3</u>

On 27th June 1821, they reported:

"that the same should be postponed".

This action was taken by Sir Henry on the advice of John Riddell, the eminent Edinburgh Advocate, who told him to base his claim

"under the Royal Charter of 1681, which is under the Sign Manual of, and exclusively to heirs male, while the present family only hold the office by an Exchequer Charter and infeftments".

For the time the matter dropped, but, on 3rd May 1824, the Lord Advocate told Sir Henry that "Mr. McDonald of Staffa" (afterwards Sir Reginald Seton-Stewart, Bt.) had petitioned the Crown for appointment as armourbearer "in right of his wife". This had been referred to the Advocate for opinion.

Sir Henry, who was abroad, replied that, as heir male of Touch, he himself "must have an undoubted right to the office".

What happened on this particular occasion is not clear, but, at Queen Victoria's Coronation, Lady Elizabeth Seton-Stewart was represented as Armourbearer by her husband.

Sir Henry, thereafter, took no further action, and never again raised the question of his claim.

### The Gordon Peerage.

Although urged by his brother Bruce to put up a claim for this honour, Sir Henry would never move in the matter. Bruce offered to pay the legal expenses involved.

Sir Henry never married. He was a leader of fashion, and very popular in Society and at Court, and the Queen took him into her confidence to an unusual extent.

When he grew old he became eccentric in dress, and informed Her Majesty that he proposed giving up wearing gloves as they made his hands hot. Later he told her that he was giving up socks for a similar

reason. It was then decided that he should be relieved of active duty at Court, though he was never placed on the retired list.

He died on 23rd July 1868, after being knocked down by a hansom cab; and was buried at Kensal Green.

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9. CAPTAIN SIR CHARLES HAY SETON, 7th Baronet  
of Abercorn. 1797-1869.

Sir Charles was born on 14th November 1797, and, with his elder brother, was sent home to be educated before his father's death in 1810. On Lydia Lady Seton's return from abroad, he lived at Bath.

In October 1815, he obtained a commission as Ensign in the 81st Regiment, and served in it until 17th June 1819, when he obtained a transfer as Cornet to the 5th Dragoon Guards, his brother's regiment. He was promoted to Lieutenant in May 1825, and to Captain in February 1829. He retired from the Army on 20th December 1832, and settled down in London.

He was keen on hunting and devoted to horses; beyond that, and a few sketches done by him, there is no record of him.

On 19th May 1829 he married, in Paris, Caroline, daughter of Walter Parry-Hodges, Receiver General for the County of Dorset. She inherited a considerable fortune from her father and her uncle, the Rev. Frederick Parry-Hodges, Vicar of Lyme Regis.

On the death of his brother, Sir Henry on 23rd July 1868, he succeeded to the Baronetcy, but himself died on 11th June 1869. His wife died on 17th November 1868.

By this marriage Sir Charles had three sons:

1. Alexander George born 1830, died shortly after birth.
2. Charles Henry born 1832, died in early infancy.
3. Bruce Maxwell born 1836, succeeded as 8th Baronet.

10. SIR BRUCE MAXWELL SETON  
8th Baronet of Abercorn. 1836-1915.

"Bruce Maxwell", as he was always called, was the third, but only surviving, son of Sir Charles Hay Seton. During his early years he was brought up by his grandmother, Lydia Blunt, Lady Seton.

In 1847 he was sent to Dr. Friedlander's Protestant German College in Clapham. Nothing is known of his childhood, and presumably when his parents settled down in London he went to their house.

He travelled abroad as a young man, but in 1854 he began what proved to be his career.

Through the interest of General Fane, a kinsman of his mother, he obtained an appointment as clerk at the War Office, about the end of 1854, and he continued in the Civil Service in one capacity or another until his retirement in 1895.

He succeeded his father on 11th June 1869.

Secretarial appointments.

There can be no doubt whatever that Bruce Maxwell had preeminently the gifts which make the perfect secretary; and a large part of his service was spent as Secretary to Cabinet Ministers.

Writing to him on 24th July 1861, Lord de Grey (later Marquess of Ripon) told him he was returning to the War Office as Under Secretary of State, and added:

"I make, however, one condition, without which I return not, and that is that I have the same Private Secretary I had before. No man could have a better, and I could not put up with a worse, after being spoilt before".<sup>1.</sup>

From this it is clear that Bruce Maxwell had already had that appointment.

In 1867, after a change of Government, he was appointed Secretary to the Lord President of Council, and held that office until 1874.<sup>2.</sup>

- |    |                   |             |      |
|----|-------------------|-------------|------|
| 1. | Abercorn Charters | A           | 231. |
|    |                   | <u>19-5</u> |      |
| 2. | " "               | A           | 231. |
|    |                   | <u>19-6</u> |      |



Again in February 1886 Lord Morley wrote congratulating him on becoming Secretary to Lord Sandhurst, Under Secretary of State.<sup>1.</sup>

These appointments brought him in the closest relationship with Ministers and with many other distinguished men; and he kept up a correspondence with them regularly. Among his military friends were Field Marshal Sir John Burgoyne and the Duke of Cambridge; and he was on such terms with the latter that, on his finally severing his connection with the Army, he presented him with a cigarette case, which the Duke acknowledged very gracefully.<sup>2.</sup>

When Bruce Maxwell himself retired in 1895, the Marquess of Ripon wrote regretting his departure, and said:

"If you are to retire, I wish it had been a few months ago, as then I should have been able to press on Lord Rosebery my strong sense of your great claim to receive some recognition of your good service.

But, with the present Government, I am powerless".<sup>3.</sup>  
The allusion here was to the grant of a Peerage.

The only preferment Bruce Maxwell obtained for himself was the Deputy Lieutenanship of the Tower Hamlets, which was conferred on him by Field Marshal Sir John Burgoyne, Constable of the Tower, in 1870.<sup>4.</sup>

### Marriage.

On 30th January 1886 he married a remarkable woman Helen Hamilton, daughter of General Richard Hamilton C.B. late Madras Army. This lady's mother was a Miss Cox, who was partly a native of India. Helen Hamilton was first married to a civilian in Madras Mr. Mayne, but she divorced him - the divorce being a collusive one. She came home, and married Bruce Maxwell.

1.	Abercorn Charters	A	234.
		<u>19-10</u>	
2.	"	A	238.
		<u>19-14</u>	
3.	"	A	230.
		<u>19-4</u>	
4.	"	A	233.
		<u>19-9</u>	

Why he did this no one ever knew; a most eligible parti, he had a wide choice, and it seemed unnecessary for him to marry a woman of fifty years of age. The only explanation, though a poor excuse, was that they both liked travelling on the Continent, spending money, and patronising the Arts and Drama. Wherever he went, however, he was universally popular.

Soon after his marriage Sir Bruce bought Durham House in Chelsea, and speedily turned it, with the assistance of his wife, into a picture gallery and collection of bric à brac; and, until his death, he there entertained lavishly and had a great following of artists, actors and musicians. His book of dinner guests, over a period of years, contains many hundreds of well known names; but they rarely were names of his own class. This may be ascribed to the Bohemian tastes, and other peculiarities, of his wife.

As an art connoisseur he was not remarkable, but was certainly a Godsend to the dealers in London and Paris.

Though comfortably off, in consequence of his inheritance from his mother, he was never rich; and his 29 years of married life rapidly impoverished him.

A banker friend, Macworth Praed, writing to him in February 1901, warned him that his income was about £2000, but for fifteen years his expenditure had been £6000.<sup>1</sup>

Much of this expenditure was due to operations on the Stock Exchange of the most speculative nature.

Writing to the present Sir Bruce Gordon Seton Bt. on 15th Nov. 1911 he said:

"Some years ago, fortified by excellent advice, I invested money in a Colour printing works. The invention is as good as ever, and the weekly output is good. But, for the best part of 3 years, the adviser of myself in this matter and I have been running the show and paying the weekly wages. We have practically sold the thing to a Syndicate; but,

owing to the stringency of the money market, we cannot get our money .. Well, I have had to provide £22000 ... I can not go on at this rate".<sup>1</sup>.

He endeavoured to raise money by selling some of his plate and pictures, but his capital gradually fell, and when he died the "list of Worthless Securities" were of a gross nominal value of £47,250 - of which the Colour Printing concern represented £39,280.<sup>2</sup>.

Sir Bruce was completely Anglicized; and he took not the smallest interest in his family. He never even matriculated his Arms, on the ground that he had no family to succeed him; and prided himself on his complete ignorance of his ancestry.

He was, however, a most prominent freemason, and a Member of the Grand Council.

He fell dead in the street on 12th March 1915. After cremation his ashes were taken to Scotland and deposited, by the kindness of the Earl of Wemyss, in Seton Chapel.

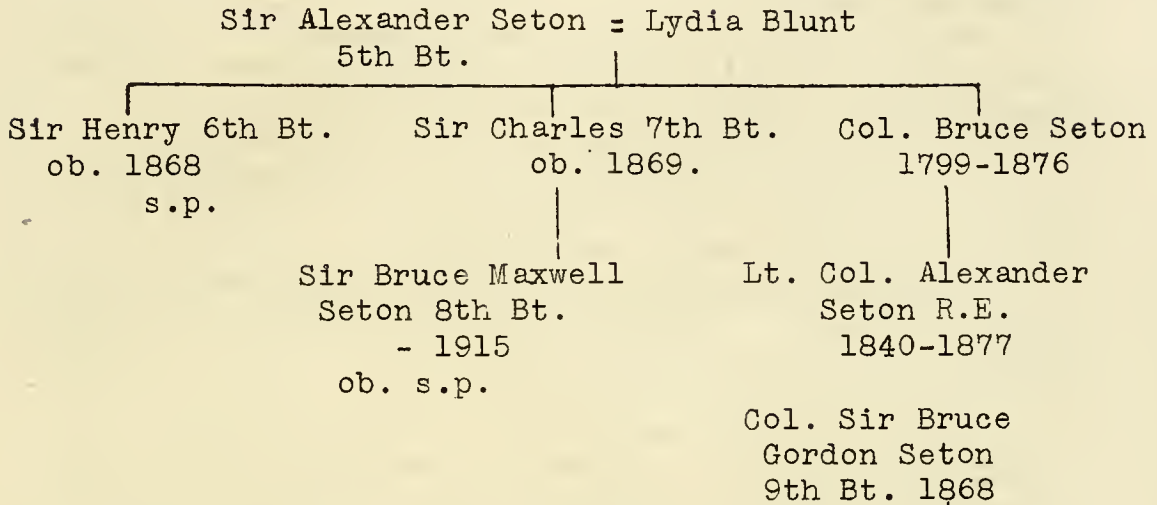
Helen Hamilton, Lady Seton, survived her husband until June 1922. Soon after his death she began to show signs of mental derangement, and had to be sent to a nursing home.

The estate was realised by public sale, under the orders of the Master in Lunacy in 1920. The pictures, numbering over 400, fetched but a small part of their estimated value; and the whole property, including the remainder of the lease of Durham House, brought in £13,451.

Lady Seton was cremated, and her ashes were deposited in Seton Chapel.

- |                            |              |      |
|----------------------------|--------------|------|
| 1. Abercorn Charters       | A            | 240. |
|                            | <u>19-22</u> |      |
| 2.       "               " | A            | 241. |
|                            | <u>19-25</u> |      |

The Baronetcy then devolved on Sir Bruce Maxwell Seton's kinsman Bruce Gordon. The relationship is shown in the following Table:



It is now necessary, therefore, to return to the third son of the fifth baronet, Colonel Bruce Seton who died in 1876.



COLONEL BRUCE SETON 1799-1876.

This remarkable man was the third son of Sir Alexander Seton fifth Baronet, and was born in India on 21st June 1799.

The name Bruce now appears for the first time in the history of the family; it had no connection whatever with the King, as has been supposed, but was given to him after his godfather, the Hon. Charles Bruce, son of the fifth Earl of Elgin, who had married Anna Maria, sister of Lydia Blunt. The name has continued uninterruptedly in the family ever since.

After Sir Alexander's death, he came home with his mother to Bath. On 21st June 1812, before his elder brother got into the army, young Bruce Seton embarked on a naval career as a "Volunteer of the first class" in H.M.S. "Minden", commanded by Capt. Alexander Skene, a friend of Lydia, Lady Seton. At this time he was thirteen years old. A month later he was transferred to H.M.S. "Royal William", and served afloat until 4th February 1813. He was then entered at the Royal Naval College, Portsmouth for a course lasting three years. His next commission was as "Volunteer" in H.M.S. "Myrmidon", where he served from 4th February 1816 to 31st August 1818.<sup>1</sup>

By this time Bruce Seton was nineteen years old, and, like so many of his contemporaries and successors, he decided that a military career would suit him better than a naval one. As his mother had already had to purchase commissions for two sons, he was forced to turn to the army of the East India Company in India, and he obtained an appointment as Cadet.

In due course he went East and was gazetted Ensign in the 6th Bombay Native Infantry on 4th June 1819, and Lieutenant on the following day; his later commissions were as Captain 29th Dec. 1828, Major 9th Jan. 1839, and Lieut. Colonel 9th June 1845, and Colonel 15th Feb. 1855.

1. Abercorn Charters  $\frac{A}{21-1}$  to  $\frac{A}{21-5}$  244.

During the first twenty years of his service he was with his regiment except between the years 1819/1827 when he was A.D.C. to the Hon. Mountstuart Elphinstone, Governor of Bombay.<sup>1</sup> It is believed he went on field service with his regiment and was wounded in a thigh, with consequent lameness.

Soon after he was promoted to Major he was appointed to the Staff as "Town Major" of Bombay, and held that post until his retirement about 1850.

#### Trial by General Court Martial.

Bruce Seton was a man of choleric temper, and though personally very popular, it was only a matter of time before he came up against some body senior to himself in the Army.

This occasion occurred in March 1743, and gave rise to a "cause célèbre" which aroused the greatest public interest.<sup>2</sup>

On 17th March 1843 Bruce Seton, in his official capacity of Town Major, posted an Assistant Surgeon to a regiment, without reference to Colonel Hughes C.B. commanding the Garrison. Col. Hughes sent for him and a scene occurred. This was immediately reported officially by Bruce Seton to the Governor & Commander in Chief complaining of gross insults by Col. Hughes.

On 29th March 1843 a Court of Enquiry was appointed, with General David Barr as President, and reported that, except in one or two points where there might have been misconception by Major Seton, the latter's case was supported by the evidence.

Col. Hughes immediately demanded that Bruce Seton should be tried by General Court Martial, on the following charges:

1. Sending a memo to the Governor and C. in C. containing a false and unfounded statement of what happened.

2. Wilfully and knowingly asserting falsely

1. Scots Peerage III 550.

2. Abercorn Charters A 248.

that Colonel Hughes had demanded private satisfaction.

3. Wilfully repeating the same at the Court of Enquiry.

On 15th April 1843 the Adjutant General told Col. Hughes his conduct was irregular "in assuming to yourself the privilege of dictating a course for His Excellency's adoption".

A Court Martial was held on 1st August 1843, by order of the Commander in Chief, Genl. Sir Thomas McMahon Bt. K.C.B. The charges were as follows:

1. Highly unofficerlike conduct.
2. Conduct unbecoming an officer and a gentleman.
3. Falsely asserting Col. Hughes had demanded private satisfaction.
4. Wilfully repeating the same at the Court of Enquiry.

The President of the Court was Col. J. Townsend, 14th Light Dragoons. The Court sat for nine days, and then acquitted Major Seton "fully and honourably".

An Extraordinary edition of the Bombay Times of 21st Aug. 1843 detailed all the evidence.<sup>1</sup>

#### Commercial enterprises.

While stationed in Bombay Bruce Seton turned his naval experience to account. He designed and built sea going vessels, with which, in conjunction with a Parsee merchant Dinshaw Hormajee, he carried on successful trade with China and the Persian Gulf; and he also had the Government mail contract for the latter. The ships were necessarily armed.

It seems incredible that such an undertaking should be carried on by a Staff Officer on the active list quite openly. But nothing was thought of it then. He was successful enough, as he succeeded in accumulating about £80,000. In later life he maintained that it was steam that killed his business.

When he left India he settled in Cheltenham, where he brought up a numerous family in the strictest discipline. Never having had any education himself he was

determined that his sons should have the best that he could get at Cheltenham College. They were all afraid of him, but at the same time were devoted to him.

His fiery temper never left him. When over 70 years old, and himself a Magistrate, he saw a man beating a woman in the street, and immediately assaulted him with his stick. Police Court proceedings followed, and he insisted on pleading guilty and said he would certainly repeat his action in similar circumstances. For this he was fined.

At the same time all children loved him, and he could do anything with a dog or a horse.

Col. Bruce Seton was twice married.

His first wife, by whom he had no issue, was Jane daughter of John Elphinston who may have been a relation of the Hon. Mountstuart Elphinstone, who was Governor of Bombay 1819-1827,<sup>1</sup> and who had Bruce Seton as an A.D.C.

The marriage took place on 18th June 1825; she was very ill in 1827, and was staying at Poona with the Governor, who was styled "her uncle".<sup>2</sup> She died not long after.

In, or about, 1839 he married Emma, daughter of Dr. James Orton of the Medical Service, and by her had five sons and a daughter. She survived her husband and died in 1889.

Col. Bruce Seton died in Cheltenham in November 1876, and was buried in Charlton King's Parish Church.

His family was as follows:

I. Alexander Reginald.

II. Colonel Bruce Outram 1841-1901.

Like his elder brother he was educated at Cheltenham College, and entered the Bombay Engineers through the Military College at Addiscombe, his first commission being dated 9th December 1859.

1. Scots Peerage III 550.

2. Abercorn Charters A 245, A 246.  
21-7 21-8



In due course he went out to India, but, on the absorption of the Indian into the Royal Engineers, he returned to the Home establishment, and did most of his service in England.

He retired in 1886, on his wife's death, and devoted himself to his children's education. He died in London in 1901.

He inherited many of his father's characteristics, including a somewhat hasty temper. As a sportsman, especially as a gentleman rider, and as a billiard player he was well known, and he was a persistent and very clever caricaturist - a dangerous gift which brought him to the notice of Queen Victoria and nearly cost him his commission.

In later life, though he had not even a rudimentary idea of music, he took up the viola in order to encourage his daughters to play.

In 1880 he married Louisa (who died in 1886) daughter of Deputy Surgeon General Charles Paske, and had three daughters:

1. Evelyn born 1881, married in 1902 Brigadier General Percy Molesworth Sykes K.C.I.E. C.B. C.M.G. The Bays, later in political service; and has issue:

- a. Arthur Frank Seton born 1903, married Barbara dau. of William Yeatman-Biggs, and has a son.

- b. Charles Mortimer born 1908.

- c. Edward Molesworth born 1910.

- d. Geoffrey Richard born 1913.

- e. Rachel Mary born 1911.

- f. Elinor Grace born 1914.

2. Ruth Mary born 1882, married Marmaduke Brian Sunderland, who died 1930, and has issue:

- a. Bridget Mary born 1905.

- b. Phyllis Joan born 1907.

- c. Katherine Anne born 1913.

3. Volet Adela born 1886. She married firstly her cousin Charles Henry Seton, who died in 1917, son of Charles Compton Seton and by

him has issue:

- a. Christopher Bruce born 3rd Oct. 1909.
- b. Joyce Phoebe born 3rd Aug. 1906, married 1932 Eric Garnett.
- c. Violet born 16th Jan. 1917.

In 1921 she married, secondly, William Neilson, and has issue:

- d. William Gordon born 1922.
- e. Jean Seton

### III. Lieut. Colonel William Bowman 1843-1886.

Born on 1st September 1843 he was educated at Cheltenham and went into the Bombay Staff Corps. He served in the Afghan War 1878.

He married Elizabeth, daughter of General George Swiney, by whom he had no issue.

He died in 1886.

### IV. Charles Compton 1846-1923.

Charles Seton was educated at Cheltenham College and went in to the Royal Engineers. He left the Service on his marriage.

A distinguished artist and art critic, he exhibited many paintings in the Royal Academy. His married life was a short one, and in later life he devoted himself to horticulture from a business point of view. He was a man of most charming personality.

In 1868 he married Phoebe (who died in 1873) daughter of Sir Henry William Ripley 1st Baronet.

He died on 18th November 1923, leaving issue:

1. Charles Henry born 1869, died 1917. He married his first cousin Violet Adela, daughter of Col. Bruce Outram Seton. (See above) and had issue by her.

2. Bruce Hugh born 6th Nov. 1871. A keen sportsman and owner and trainer of racehorses. He died unmarried on 8th June 1899.

3. Margaret Annie Phoebe Seton born 1873, married in 1898 Major Arthur Pelham Frankland D.S.O. and has issue:

- a. Marion Annie Margaret.
- b. Rosalind Lucy Seton.

V. Major Henry James 1854-1920.

He entered the Army through the Militia and joined the Royal Irish Rifles, with which regiment he served abroad a good deal. During the South African War he was dangerously wounded in the attack on Stormberg, and was taken prisoner by the Boers. At the end of the War he was invalided out of the Service.

He was twice married.

His first wife was Elizabeth (Creda) daughter of Henry James Byron, whom he married in 1880. She died in Poona of enteric fever in 1897, leaving no issue.

In 1899 he married Marie, daughter of Percy Wallace, by whom there was a daughter.

Marie born 1910.

Henry Seton never recovered from his wound, and suffered from pain until his sudden death on 26th October 1920. He was buried in the family grave at Charlton Kings.

VI. Emma Alice

Married in 1876 Henry, son of Sir Henry Ripley Bt. of Rawdon, Yorkshire, and had issue:

1. Dorothy Alice Seton married in 1914 Cheba Gourevitch of Smolensk, Russia.

2. Marian Janet married in 1899 Dr. Thomas Littlejohn, who died in 1905.

3. Henry Edward born 1884.  
She died 10th January 1884.

LIEUT. COLONEL ALEXANDER REGINALD SETON.

1840-1887.

Colonel Bruce Seton's eldest son was born 25th May 1840 in India. He was educated at Cheltenham College, where he had a brilliant career; after taking nearly every prize for which he was eligible, he passed the Entrance examination for the Military College of the East India Company at Addiscombe when only fifteen years of age, and was not allowed to enter until the following year.

He was very successful at the College, especially as a mathematician, and repeated his earlier exploit by passing out of the College in three terms instead of four.

His first commission in the Bombay Engineers was dated 11th December 1857. In the following year he was transferred to the Royal Engineers on 27th August 1858, but elected to continue serving in India.

On 10th November 1869 he became "2nd Captain", and on 23rd January 1877 was promoted to Major; and subsequently became Lieutenant Colonel.

Throughout his Service he was employed in the Public Works Department in Bombay and ended up as Secretary to Government.

He died of internal injuries, following a carriage accident in Bombay, on 12th November 1887.

Every one who knew Alexander Seton was conscious of the fact that he was a remarkable man; his career, however, was stopped by his reserve and persistent self effacement. From youth he had been very religious, and this was accentuated by the equally strong beliefs of his wife. Led by her, to whom he was devoted, he gradually cut himself off his own family and from Society generally. Ultimately he became a Plymouth Brother, but never took any active part in the practice of their creed.

His appointments led him to small stations, where he met few Europeans; and his scanty leisure was occupied entirely by mathematical and Biblical studies.

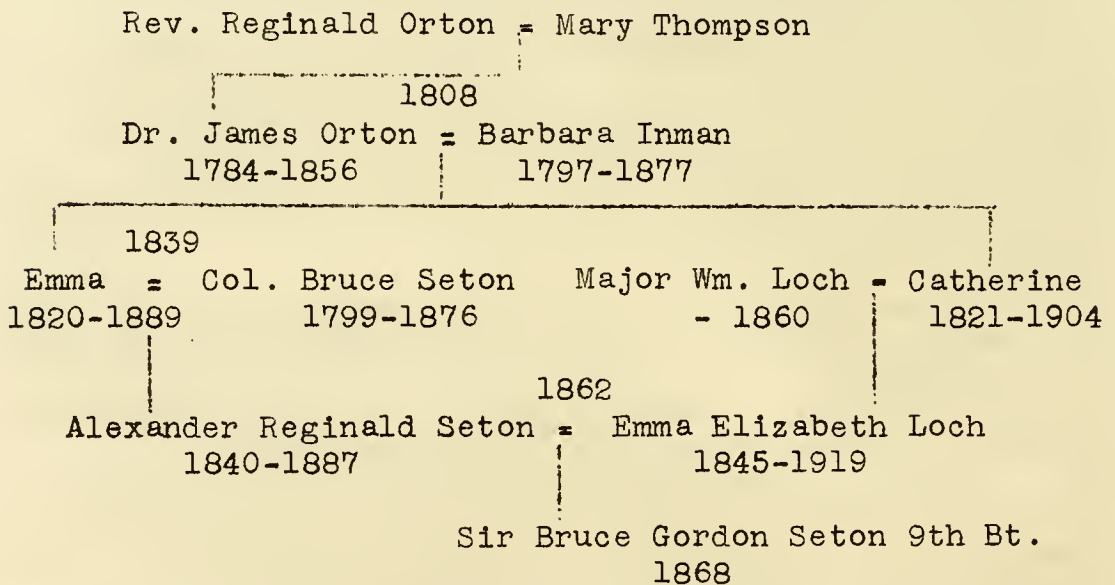


But, wherever he went, he won golden opinions.

In 1862 Alexander Seton married his first cousin, Emma Elizabeth daughter of Major William Loch of the 1st Bombay Lancers, and Katherine Orton.

She was a very outstanding woman. Brilliantly clever, well read, universally popular, she suddenly joined the Plymouth Brethren and chose a lonely life, away from all her friends and relatives. Having a large family at home, she left India and devoted herself to their education and interests until her death at Anerley, London in 1919.

The relationship of Alexander Seton and his wife was as shown below:



By this marriage there were four sons and three daughters.

1. Katherine Marion Seton born 1864.
2. Sir Bruce Gordon Seton born 1868. See below p. 563.

3. Elsie Madeline born 1870. A woman of outstanding abilities and energy. She undertook the education of her brothers, and grounded them thoroughly in French and German. To her was undoubtedly largely due the fact that her brother Alexander Maxwell got in at the top of the list for the Military

Academy.

In 1901 she married Algernon Pollock, by whom she has issue:

- a. Erskine Reginald LL.B. a solicitor, born 1905.
- b. Alan Winton Seton born 1907, Chartered Accountant.
- c. Algernon Frederick Seton born 1910.
- d. Aileen Marion Seton M.R.C.S., L.R.C.P., born 1903.

4. Aileen Mary born 1872. In 1899 she married Frank Binford Hole, and has issue:

- a. Bruce Binford born 1901, a Solicitor.
- b. Marjorie Seton born 1916.
- c. Aileen Mary Seton born 1916.

5. Captain Alexander Maxwell born 30th Sept. 1875. He was educated almost entirely by his sister Elsie, got into Woolwich top of the list, and entered the Royal Artillery in 1896. He served through the South African War and, on his return home, got into the Staff College at the head of the list. After a most brilliant career he died unmarried on 11th Oct. 1904.

He was a remarkable linguist, picking up languages in an incredibly short time. Besides French and German, he knew Turkish, Dutch, Boer, and Arabic, and was a military interpreter in all these. On one occasion, after the War, he passed off as a German student and offered an address to President Kruger congratulating him on his escape to the Hague. As a matter of fact he very nearly captured Kruger in his saloon carriage in the Transvaal. He got in just as the party escaped; and brought back with him Kruger's own muzzle loading flint lock pistol, now in the writer's possession.

Throughout his Service Alec Seton was principally employed in the Intelligence Branch of the War Office, because of his language qualifications. His knowledge of Turkish and Arabic proved invaluable on

one occasion, when he obtained a cypher code used by the Turks in communicating with Russia.

In many respects he was very like his father; very retiring, with a strong religious strain, which made him a lonely man. Unceasing work at his Staff post gave him little leisure for any type of amusement. At the Staff College, however, he carried the highest praise.

6. Charles Monteath (Father Benedict O.S.B.). Born 30th March 1880, he was called Monteath after a friend of his parents in India. He was educated entirely at home, and, like his brothers Alexander and Walter, was very well grounded in German and French.

In 1902 he went into the Victualling Department of the Admiralty, and served abroad in Malta and Sydney and, during the Great War, in Mudros.

Having become a Catholic, he resigned his appointment in 1920 and became a Monk of the Benedictine Order at Fort Augustus, and was in due course ordained. His style in religious life is Dom. Benedict Seton.

He was at one time an enthusiastic Freemason, and held the 29th Degree.

7. Walter Warren M.A., D.Litt. Born 4th October 1882 Dr. Walter Seton was far the most brilliant member of the family. He too was educated at home until he matriculated at the London University and went to University College.

His academic career was one of outstanding success. Selecting the Arts courses he successively graduated as B.A. and M.A. London - taking the latter with Honours, before he was twenty-one, in 1903.

For some time he was engaged on Runic studies, with the intention of getting an appointment at the British Museum; but in 1903 the post of Assistant

Secretary at University College, with the magnificent salary of £150, was created, and he got it.

From the moment Walter Seton got this appointment he took charge of University College. After his death the College Magazine said of him:

"It is no exaggeration to say that he dedicated his life to University College, and he was more responsible than anyone save the Provost himself for our progress during the last quarter century".

Within a year promotion came to him, and he was appointed Secretary of the College. The reorganisation of the College buildings, involving the removal of the old Boy's School and the erection of new ones and fresh Departments became his passion. He became a prince of beggars in raising funds for endowments and, from the purely educational point of view, he performed enormous service to his College.

In 1908 he created a Residential Hall at Ealing, went into residence there and governed it as Warden with a combination of "gant de soie" and "main de fer", until 1923.

All this time he was continuing research work, and the fields he selected were the unlikely ones of Franciscan study and Scottish History. In both he was successful beyond expectation. In a short time he had learnt all there was to know about St. Francis of Assisi and was regarded as the greatest authority on the subject in this country; and even the Vatican consulted with him as to the real date of the Saint's death. This study necessitated travels abroad in the course of which he met many of the most distinguished men in Europe. Taking Franciscan research for his subject he was in 1915 given the degree of Doctor of Literature, and made a Fellow of his College in 1916.

The War having broken out he hastened to present himself, but was not passed fit for active



duty, but was employed as Political Secretary in the Ministry of Information. He was sent abroad, and made himself "persona gratissima" there, receiving, in recognition of his services, in 1919 the Knight Gold Cross of the Order of the Redeemer, from Greece; and, in 1921, the Knight Officer of the Crown of Italy.

Returning to the College he immersed himself, in his scanty leisure, in Scottish History. Being a born collector he had set himself the task of saving for his native country as many of the important relics that came into the market as possible. By impassioned appeals to the Press, and, by the "wire pulling" of which he was a master exponent, he acquired two import sets of Mary Queen of Scots letters, and the Penicuik jewels, which were handed over to Scotland. Incidentally, and accidentally - for he hated publicity as far as he himself was concerned - he became well known personally to the Queen and the Princes.

In 1923 an appointment of Lecturer on Scottish History was created, and he was given it. At the first public lecture, in the Queen's presence, he drew attention to the fact that the Prince of Wales also held the old title of Prince of Scotland, and urged that this title should be assumed whenever he was in Scotland. This aroused widespread notice in the Press. In May 1924 the Prague University conferred on him the Doctorate of Philosophy, and Prague the Doctorate of Jurisprudence.

Another of his activities was the creation of a Fund as a memorial to his friend Professor Sir William Ramsay, for Research work in Chemistry. That Fund has for many years supported a stream of students from the Empire.

Finally he threw himself heart and soul into the reorganisation of the University of London, and the Centenary Appeal for University College. This work killed him. Except for an occasional ten days in the Highlands he had never ceased working

since boyhood, and he was worn out. In January 1927 he contracted influenza which rapidly turned to pneumonia; and he died on 26th January, only forty-five years of age, covered with academic distinctions, but tired out.

Walter Seton was a fluent and facile writer. He published many historical articles in the Scottish papers and reviews, and expressed views which were hotly opposed by the Presbyterian type of mind. He also wrote extensively on St. Francis.

When he was a boy he lived in an atmosphere of "Plymouth Brethren". From this narrow outlook he escaped by joining the Church of England, and his Franciscan studies tended to take him further. He never however, even nearly, accepted the Roman Catholic canons. On the contrary, while being personally friendly with the Pope, many Cardinals and Bishops, he found satisfaction in the advanced Anglican Belief; and was a prominent member of the Council of the English Church Union, and a devoted member of the Church.

At his own request he was cremated, and his ashes were deposited in the Chapel of Seton Palace, for which he had a deep attachment.

The whole of his Seton relics, pictures, documents Etc. and of books regarding the family are in the possession of the writer, and are included in the Seton Trust.

Throughout his life he was a fervid collector of books, manuscripts, and of articles connected with the family. Besides the Mary letters above referred to, raised by public subscription for the nation,<sup>1</sup> he himself acquired certain papers regarding the surrender of Dunnottar Castle in 1652, which are now framed and hang in the Regalia Room of Edinburgh Castle.<sup>2</sup>

- |                      |                  |                  |      |
|----------------------|------------------|------------------|------|
| 1. Abercorn Charters | $\frac{A}{30-4}$ | $\frac{A}{30-6}$ | 280. |
| 2.       "       "   | $\frac{A}{30-3}$ |                  | 279. |

His large library was left to Sir Bruce Seton. Most of it was sold; but all family books and papers were kept and merged with those of Sir Bruce to form the Seton Library which is to pass down with the baronetcy.<sup>1</sup>

He also purchased at sales some of the few surviving Seton pictures, which are also now in the Seton trust.

His disposition provided for the purchase of Seton Chapel if this were found possible. It was impossible owing to the entail on the estate.<sup>2</sup>

A man of outstanding personality, Walter Seton occupied a prominent position in many fields of human activity. Education, Religion, History, Archaeology, - in all these he occupied an unchallenged status; Politics he would have liked to embark on, but could not spare the time. His interest was by no means limited to the dead past, and he was more than capable of holding his own wherever, in his particular fields of interest, he encountered opposition. For he had a wit as mordant as his writing was facile.

During his scanty leisure Scotland, Scottish history, and especially family history were his chief interests.

1. Abercorn Charters  $\frac{A}{30-7}$  281;  $\frac{A}{30-2}$  278.
2. " "  $\frac{A}{30-12}$ ,  $\frac{A}{30-13}$  to  $\frac{A}{30-15}$  286, 287.

11. COLONEL SIR BRUCE GORDON SETON,  
9th Baronet of Abercorn. 1868-

The eldest son of Lieut. Col. Alexander Reginald Seton R.E. and Emma Elizabeth Loch was born at Mount Abu, Rajputana, on 13th October 1868. He was for some years at a school in Brighton, but in 1880 on the return of his mother from India, went with the family to a house in the neighbourhood of London.

The intention was that he should go into the Royal Engineers or Artillery, but this was opposed by his mother; and he ultimately matriculated at the London University and went in for Medicine at University College and St. Bartholomew's Hospital.

Immediately after qualifying as a doctor, he went up for and got first place in the entrance examination for the Indian Medical Service, and was commissioned in the old rank of "Surgeon-Lieutenant" on 30th January 1892.

Subsequent promotions were as follows:

Captain	30. 1. 1895.
Major	30. 1. 1904.
Lieut. Colonel	30. 1. 1912
Brevet Colonel "for distinguished services"	7. 4. 1913.

He was invalided from the Service on 27th May 1917.

Regimental and Field Service Etc.

During the first ten years of his Service he remained in regimental employ, principally with Cavalry regiments; and was on three occasions on service on the Frontier, with field ambulances. The expeditions were in the Kurram Valley 1892/93; Waziristan 1894, in which he was in the Attack on the Camp at Wana on 3rd November, and was severely wounded outside Kaniguram in December; and the Tochi Valley Field Force 1897/98.

For the second of these expeditions he was mentioned for good services.

In January 1902 he was appointed Staff Officer to the Principal Medical Officer Bengal, and, with a brief



interval with his old regiment the Central India Horse, continued to hold that office until 9th March 1906.

He was then transferred in the same capacity to Army Headquarters, and remained there until, an unexpected vacancy occurring, he was transferred as Deputy Director General to the office of the Director General I.M.S. This office he held until the outbreak of the Great War.

He was then posted to command an Indian General Hospital - one of three which were being sent to Brighton. On arrival there these units were combined into one large hospital called Kitchener Hospital, and Sir Bruce was appointed Commandant.

He held this until 26th May 1916, first as an Indian and then as a British Hospital. On 27th May 1916 he went on leave on medical certificate and was invalided out of the Army a year later.

On 4th June 1917 he was granted the Dignity of Companion of the most Honourable Order of the Bath, and was mentioned in the London Gazette of 27th July 1917 for "valuable services".<sup>1.</sup>

While in Simla, at Headquarters, Lord Hardinge appointed him Honorary Surgeon on his Personal Staff on 23rd Nov. 1910, and he held that office until the outbreak of the War.

In Brighton, on 17th November 1915, an attempt was made to shoot him by an Assistant Surgeon, who was subsequently sentenced to 7 years penal servitude by a General Court Martial.<sup>2.</sup>

#### Succession to Baronetcy.

On the death on 12th March 1915 of Sir Bruce Maxwell Seton Bt., Bruce Gordon succeeded to the title as 9th Baronet. He took immediate steps to matriculate his arms in the Lyon Office. These arms were the undifferenced old arms of Seton of Touch, with the single crest of the Boar's Head couped, and the motto Forward

- |                            |                   |   |                   |      |
|----------------------------|-------------------|---|-------------------|------|
| 1. Abercorn Charters       | $\frac{A}{26-9}$  | , | $\frac{A}{26-10}$ | 259. |
| 2.       "               " | $\frac{A}{26-19}$ | , | $\frac{A}{26-20}$ | 261. |

Ours. The alternative crest of the "Cornish kae on a rock", (See Sir Walter Seton 1st Bt.) was abandoned.<sup>1</sup>.

#### The Armourbearership.

The history of the Touch-Seton controversy in regard to this office has been summarised in the section above dealing with Elizabeth Seton of Touch. (See Seton of Touch.)

At a Court held at the Palace of Holyrood house on 6th July 1920, Sir Douglas Seton-Stewart was present as Armourbearer. On the 10th July Sir Bruce wrote officially to the Lyon Clerk<sup>2</sup> as follows:

"Hitherto I have not challenged the claim of the Seton-Stewarts of Allanton to hold this office; but now that, presumably with the knowledge of the Lord Chamberlain, that claim has been accepted and carried into effect, I am compelled to enter my protest, and to make this my counterclaim that, as heir male of the Setons of Touch, I am the hereditary Armourbearer to His Majesty....

Meanwhile I beg you to lay this before the Lord Lyon, for his information, with my request that he will be pleased to grant me an acknowledgment of receipt of this protest".

This letter was acknowledged by Lyon, stating that:

"I have noted your protest and put your letter on the file relating to the Scottish Royal Household".

On 13th July 1920 Sir Bruce again addressed Lyon:

"At the present moment I am concerned with another claim, and have decided, now that you are aware of my views regarding the Armourbearership, that I will not interfere with Sir Douglas' enjoyment of the office".

In the event of his predeceasing me I should take action".

Sir Douglas died on 19th Feb. 1930; but, as he had a cousin Colonel Lockhart Ross who was the same relation

1. Abercorn Charters A 263.

26-23

2. " " A 264.

26-28

as himself to Elizabeth Seton of Touch, and might therefore challenge any claim by Sir Bruce, the latter decided that no action should be taken officially until the complete extinction of that family in the persons of Lockhart Ross and his sister.

There would be no question of any challenge being effective.

#### The Gordon Peerage.

As far back as 1913 Dr Walter Seton submitted the claim to the ancient Barony of Gordon for Counsel's opinion. Mr. C. Fox-Davies was opposed to any action.

In 1920 Sir Bruce consulted Mr. J.N. Macphail K.C. and obtained a favourable opinion, and decided to carry on.

Correspondence with his Agents, Tods Murray & Jamieson ensued and the case ultimately came before the Committee for Privileges in December 1928 and was finally rejected on 1st May 1929.<sup>1</sup>

A summary of the proceeding is given below.

#### Dispositions of Helen Hamilton, Dowager Lady Seton.

On the death of Sir Bruce Maxwell Seton Bt. the entire estate went unconditionally to his widow. She was induced to make a disposition in favour of Sir Bruce Gordon Seton. Owing to the fact that, through her lawyer's incompetence, no provision was made for Sir Bruce Gordon Seton's family in the event of his predeceasing her, it was found necessary to take out an insurance policy covering the whole estate based on the relative expectations of life of him and of her. This involved an annual payment of £400 - which had to be borrowed - from 1920 to 1922.<sup>2</sup>

This discovery was only made after she had been declared incapable of looking after herself, and the estate was under the Master in Lunacy. In the interval since her husband's death and up to that time she and certain friends, who were dealers by profession,

1. Abercorn Charters A 266.

2. " " 26-30  
A to A 267.  
26-31 26-34

had made away gradually with a large number of valuable pictures and antiques.

This state of affairs continued until the Dowager's death in July 1922.

#### The Royal Company of Archers.

In 1918 Sir Douglas Seton-Stewart offered to propose Sir Bruce for Membership of the Royal Company. Knowing that his brother Dr. Walter Seton had had his name down for years and had not been appointed, Sir Bruce made enquiries, and discovered that there was an objection to Dr. Walter on the ground that he had surrendered his domicile. He consequently wrote on 4th June 1919, and withdrew his own candidature.<sup>1</sup>

In spite of this Sir Bruce was elected in May 1920 and a demand was formally made for fees. Sir Bruce at once pointed out that he had already withdrawn, until such time as Dr. Walter Seton was elected. Correspondence resulted until on 24th January 1921 Sir Bruce formally refused acceptance of his election to the Royal Company.

#### Bequests from Sir Douglas Seton-Stewart Bt.

In spite of the long standing controversy between the Setons of Touch and of Abercorn, arising out of the respective claims to the Armourbearership, Sir Bruce and Sir Douglas were on the friendliest terms. After selling Touch, Sir Douglas handed over to him two pictures of the 5th Earl of Winton, various articles of family interest and some papers; and on his death in 1930 bequeathed to him all the Jacobite relics and snuff boxes, some miniatures and tapestries, and the whole of the Charter Chest of Seton of Touch.<sup>2</sup>

- |                      |          |      |          |      |
|----------------------|----------|------|----------|------|
| 1. Abercorn Charters | <u>A</u> | 269; | <u>A</u> | 284. |
|                      | 26-39    |      | 30-11    |      |
| 2.       "       "   | <u>A</u> | 271. |          |      |
|                      | 26-41    |      |          |      |



The Dunfermline Vault. Dalgetie Church.

In May 1930 an unexplained opening was found in the vault in this ruined Church. On entering the vault the whole of the coffins of the Earls of Dunfermline were found, along with those of their wives and some of their children.

In connexion with this Sir Bruce had correspondence with the Hon. William Hewitt, factor to the Earl of Moray, and asked if he might - with the concurrence of his sons - be held responsible for its maintenance in future, with the right of using it as a place for deposition of ashes.

The Earl of Moray assented; and the position is therefore that the baronet of Abercorn of the day takes over the charge of the vault and has the right of using it for deposition of the ashes of his family.<sup>1</sup>

Marriage.

On 16th March 1895 Sir Bruce married a woman to whom he owed everything in the way of success which ever came his way. Elma, daughter of Lieut. Col. Frank Armstrong, Army Service Corps, was grand daughter of the last of the Frasers of Belladrum, and thus a kinswoman of the somewhat notorious Simon Fraser Lord Lovat of the '45. She was a lineal descendant of "Johnnie Armstrong" of Gelnockie who met his death on the gallows.

Through all his service in India, in the heart of Central India or in very acutely alive surroundings of Army Headquarters in Simla, she accompanied him and toiled for him and her family'. Nothing came amiss to her, in the field of sport, or of social functions, or music; and to her organisation of Kitchener Hospital in Brighton was, notoriously due, the recognition, by the grant of a C.B., of "valuable services" for which he was wrongly credited.

And, fortunately, she produced children cast in her own mould.

1. Abercorn Charters A 272.  
26-42

By this marriage were born two sons and two daughters:

1. Jean Gordon born in Naini Tal. 13th February 1903. She married 7th Dec. 1922 a distinguished young naval officer Lieut. Rex Arnot R.N. who was transferred from the R.N.V.R. and specially promoted for gallantry in H.M.S. "Onslaught" at the battle of Jutland.

They have a daughter and a son:

a. June Gordon born 5th February 1924.

b. Andrew George Seton born 6th July 1925.

In 1928 she and her husband went to Queensland, Australia as actors in a film taken among the aborigines.

2. Alexander Hay born in Naini Tal. 14th August 1904. See below.

3. Marie de Seton born in Simla 22nd April 1907. She married on 7th November 1925 Lieutenant Ian Reddie Hamilton Black R.N., and has a son:

a. Alasdair Seton Hamilton born in 1929.

4. Bruce Lovat born in Simla 29th May 1909. See below.

#### The claim to the Gordon Peerage. 1928/29.

References to the existence of, and the claims to, the old Barony of Gordon have already been made under the Seton-Gordons and the Setons of Abercorn. The latter claimed, as heirs male of Seton of Touch; and, though they worked on the wrong lines to substantiate it, there is no doubt that, for generations, the Setons of Touch and Abercorn were convinced that the Barony was merely a dormant one, and that there could be no fundamental difficulty in substantiating it.

The first who planned to raise the question was Sir Henry Seton 4th Baronet, in 1768. He appears to have drawn up a memorial, but never presented it.<sup>1</sup>

1. Abercorn Charters A 183; A 195.  
10-27 10-40

His son, Sir Alexander 5th Baronet, sent Sir Henry's Memorial for Counsel's opinion, but was deterred by the adverse opinion from taking further action.<sup>1</sup>

Sir Henry Seton 6th Baronet, having met with no success in regard to the Armourbearership, refused to have anything to do with the Barony of Gordon, although his brother Col. Bruce Seton offered to finance the case.

Col. Alexander Reginald Seton, before he went out to India for the last time in 1887, urged his eldest son Bruce Gordon Seton to take up the matter if and when he succeeded Sir Bruce Maxwell Seton as 9th Baronet.

And finally, after working on the preparation of the case for 4 years, Dr. Walter Seton's dying request to his brother Sir Bruce was to carry on with it; and he left funds for the purpose.

#### History of the claim.

In February 1923 Sir Bruce Gordon Seton petitioned the Crown:

"to admit his succession, and to declare that he is of right entitled to the Title Honour and Dignity of Lord Gordon in the Peerage of Scotland". This was followed by a "Case in support of the Claim", which was sent to the House of Lords on 21st May 1925. Meanwhile the Marquis of Huntly intervened, and was allowed to oppose the claim; this he did formally on 19th May 1926.

Each party was allowed to issue a Supplemental Case, which was done in 1927, and finally the hearing before the Committee for Privileges commenced on 7th December 1928, and continued at intervals until 1st May 1929 when the claim was rejected.

#### Nature of the Claim.

The claimant Sir Bruce Gordon Seton claimed to be the heir entitled to the Barony of Gordon created by

1. Abercorn Charters A 211; A 212.  
14-21 14-23

James I of Scotland in or about 1429. The Marquis of Huntly opposed, he being the undoubted holder of the Barony of Gordon created in 1559.

#### History of the Barony.

Sir Alexander Seton, second son of Sir William Seton, married in 1408 the heiress of the family of Gordon, Elizabeth Gordon, who possessed lands in Berwickshire and Aberdeenshire, and succeeded to other old Fraser lands in the latter county on the death of her mother Margaret Fraser in 1436. This Sir Alexander, who may be styled "Primus" was, it was claimed created a hereditary Lord of Parliament by James I after the latter returned from captivity in England in 1424.

This crucial point is obviously a highly controversial one.

It is notorious that James brought to Scotland many ideas of government he had acquired in England, and one of these was the reorganisation of the Scottish Parliament. That body consisted of "tenants in chief" of the King or "barones", certain of the clergy and the Commissioners of the Royal Burghs.

Erskine has pointed out that the "barones" all had a right to sit, yet the "barones majores" were sufficiently distinct from the "barones minores" by grants or Patents of peerage, such as Earl, Lord Etc.

The King's idea was to relieve the lesser barons from attendance, and in 1427 an Act was passed freeing them. The Act stated that:

All bishops, abbots, friars, earls, dukes, lords of the Parliament .. will be received and summoned to Councils and to Parliament by his special precept.

It was to the furtherance of this policy that may be attributed the creation of personal peerages of a rank inferior to Earls; that is to say Barons in the modern sense. The question was at what date they made their appearance.

Originally the term "Lords of Parliament" applied



to all who sat in Parliament; but gradually it came to be limited to a new class, which consisted of peers in the modern sense.

Thus, in the Perth Parliament of March 1429/30, the "domini de Abircorne, de Dalketh, de Erskyne, de Lochaw, de Gordon, de Drylton, de Somerville, de Maxwell, et de Mongumbry" sat as Lords of Parliament; and every one of them was ultimately promoted in the Peerage to Earl, with the exception of "de Gordon".

This was admitted by Lord Dunedin, one of the Committee for Privileges, as Lords of Parliament in the new sense. He said:

"When I find them called Domini in 1429, I consider I am right in assuming that they became Lords at that date. This brings it to the point that Gordon is mentioned under the same designation as others who are Lords. To my mind this is quite satisfactory proof that Gordon was, at this time, in 1429, a Lord of Parliament, in the sense of a Peer".

Lord Dunedin therefore supported the claimant's view that Sir Alexander Seton, Primus, was Lord Gordon in 1429.

That being so the question naturally arises why that title did not descend through Sir Alexander Seton, Secundus, who became Earl of Huntly, to Sir Alexander Seton, tertius, from whom Sir Bruce Seton is descended. That will now be dealt with.

#### Sir Alexander Seton, secundus and the Papal Brieve.

Long before his father's death in 1440, Sir Alexander Seton secundus married Egidia Hay heiress of Sir John Hay of Tullibody, who owned large estates including the Forests of Boyne and Enzie and Kilsaurle in Banff, Kinmundie in Aberdeen, and Tullibody in Clackmannan. The marriage took place about 8th January 1426/27 and by it there was one child, Sir Alexander Seton tertius, who was born about 1428.

At some date unknown Sir Alexander "put away" his wife Egidia Hay (divorce, as we know it, being impossible at that time) and married Elizabeth Crichton.

This has for centuries troubled family historians, who could offer no explanation of the repudiation or 'divorce' of Egidia Hay.

The case was cleared up by the discovery in the Vatican Library, by Dr. Walter Seton the claimant's brother, of a Papal Brieve dated 12th August 1441, which unfolds a tragic tale. This Brieve is addressed to the Archbishop of Moray, and recites a petition by Alexander Seton and Elizabeth Crichton.

It narrates that Alexander was within the fourth degree on consanguinity with Egidia Hay, but had obtained a papal dispensation to marry her; that, later he had presented a petition to Henry Archbishop of Moray, setting forth the consanguinity, but concealing the dispensation he had obtained, and was then granted an annulment of the marriage; that, during the life time of the said Egidia, he had contracted a marriage with Elizabeth Crichton, who was ignorant of the earlier marriage, solemnised it before the Church, and have lived together for some (aliquot) years; that the said Egidia had died and Alexander's conscience smote him for what he had done, and that if his present marriage were annulled troubles might arise with Elizabeth's relations and friends; that Elizabeth was in no way concerned with Egidia's death; and finally that he begged the Pope to absolve him from his sin and to legalise the second marriage.

The Pope, Eugenius IV, not knowing the truth of these statements, tells the Archbishop to make enquiries, and if Alexander promises not to repeat the offence and does penance, then to dispense him and his wife to contract marriage anew, and to declare any offspring legitimate.

What action was taken by the Archbishop, if any, is not known, and does not really matter. The main points are that, before the date of this Papal Brieve,

Alexander Seton, primus had settled the lands of Gordon and of Strathbogie on his son Alexander Seton, secundus and his wife. And as his wife's father Lord Crichton was Chancellor of Scotland, and all powerful in Scotland, it was essential that the marriage tangle should be put right.

As it was, Alexander Seton secundus escaped all publicity, married a most influential wife, and in 1445 was created Earl of Huntly. And, as stated above, he had already got from his father a grant of the Gordon and Strathbogie lands.

#### The "Master of Gordon".

Most important confirmation of the existence of the dignity of a peerage in the person of Sir Alexander Seton, primus is afforded by the fact that, in his life time, his eldest son was styled the Master of Gordon; this, in Scotland, means the son of a Scottish peer. In 1425, i.e. before the earliest date on record of his father being referred to as Lord Gordon, his son is styled in the Scotichronicon "Magister de Gordon", and the same appears in legal documents in 1437 and 1439. This evidence was regarded by Lord Dunedin as "of first importance", though, up to the last moment of the hearing of the case, it conveyed no significance to the minds of the English legal luminaries in the Committee; in fact Lord Darling definitely stated that the inference referred to was opposed to English practice.

#### The significance of "Dominus".

As was anticipated by the claimant, it ultimately proved that the crux of the whole case was the significance of the term "Dominus". Lord Huntly's counsel insisted that in all the relevant papers in which it was applied to Sir Alexander Seton primus and his son, it merely meant "laird" in the Scottish sense, not "Lord" in the Peerage sense, whenever it was followed by "de...".

No suggestion was ever made by the claimant that



"Dominus" necessarily implied a hereditary peer. It was known to him, as to every one who knows anything about Scottish history, that it is a term of respect given in many different classes of persons.

It was applied to territorial magnates and to clerks in Holy Orders who had not attained the dignity of Master of Arts; as translated "Sir" it was habitually enjoyed as a title by "Milites" or Knights; it also designated the owner of property, no matter whether of large or small extent. That it was actually applied to a house owner who styled himself "dominus" of a tenement in Edinburgh High Street.

Again, in those days, there was no hard and fast designation of a peer. If he were a knight, that fact was generically included in his style, even though he were also an Earl; and, at least until 1487, even the title of honour - the "nomen dignitatis" itself might be varied.

Finally Lord Huntly's extraordinary claim that the style "dominus de Gordon" or "Lord of Gordon" was one which merely implied a territorial designation and could not be regarded as indicating a peer, who would be styled plain "Dominus Gordon", was dealt with by quoting the actual titles used at different dates by individuals of whose peerages there never was any doubt at all.

As an example, if Huntly's claim that the first Campbell peerage was in 1440, when Duncan was styled "Lord Campbel" it was shown that in 1442 he called himself "Duncanus Campbel, dominus de Lochau, miles"; in 1445 he was addressed "Duncano de Campbel"; in 1448 "Duncana Kambayl Domino de Lochquhow, militi".

Lord Dunedin, in his judgment, referred to Lord Huntly's contention and said:

"I am satisfied that as to that he was completely wrong".

Nevertheless it was on this point that the Committee for Privileges rejected the claim of Sir Bruce Seton.



George Seton, Lord Gordon.

The eldest son of Alexander Seton secundus by his second wife Elizabeth Crichton was generally - but not always - styled Lord Gordon after his father's elevation to the Earldom; and Huntly urged that "the dignity was created originally in his favour". Of this there is no evidence. Between 1441 and 1460 he was "George de Seton", "George Master of Huntlye, Knight", "Georgous de Gordone", "Georgeous Dominus Gordoun", "Magister de Huntlye" "George Lorde the Gordon".

The supersession of Alexander Seton, tertius.

The treatment by Alexander Seton, secundus, Earl of Huntly, of his only son by the first marriage remains a mystery. The claimants Counsel stressed the point that Alexander Seton, secundus, had probably concealed the correspondence with the Pope, and that he left his son under the stigma of illegitimacy.

Lord Dunedin's view was that there never was any question of illegitimacy of Alexander tertius, but that the adoption of the title "Lord Gordon" was pure usurpation, based on the fact that he was already a powerful man, married to the King's sister; moreover his father had already handed over to him not only the Gordon lands but those which belonged to his first wife Egidia Hay. To have challenged the position would have almost certainly left Alexander tertius landless, at a time when he was trying to make amicable arrangements with his half brother.

Decision of the Committee for Privileges.

The Committee rejected the claim of Sir Bruce Seton. Of the three judicial members, Lord Dunedin - the only one who knew anything of Scots Law or History - strongly supported the claim and regarded it as established. The Lord Advocate also supported it.

The grounds of rejection were:

"That it has not been proved to the satisfaction of the Committee that either Sir Alexander Seton, who

died in 1440, or his son Alexander afterwards created Earl of Huntly, held any hereditary Peerage of Gordon".

After the announcement Lord Huntly's counsel claimed costs of the case, on the grounds that his rights had to be defended. This was summarily refused by the Chairman who pointed out that Sir Bruce had attacked no right of Lord Huntly's.

In the printed official Proceedings the case ended there, with the statement that the Committee had found the "Barony of Gordon" does not exist. Actually, though not stated in these Proceedings, the Chairman said further, that, if the existence of that Barony had been accepted, the claim to it by Sir Bruce Seton would have succeeded; and that, in respect of it, Lord Huntly was a cadet of the family of which Sir Bruce Seton was head.

The case raised an enormous sensation in Scotland, the sympathy of the Press and public alike being opposed to the finding of the Committee.

The point that was most strongly criticised was the fact that a case of this nature, involving recondite questions of Scottish law and history, should be adjudicated by a Court of eight members, only two of whom were Scottish, and only one of them qualified to express an opinion.

It was regarded as contrary to the original intention in dealing with such cases from Scotland, that the Committee should be guided by the opinion of the Scottish Lord of Appeal (Lord Dunedin) and of the Lord Advocate. The opinions of both were ignored.

The public demanded that in future such claims should be dealt with by the Court of Session, as is already the case with claims to baronetcies of Nova Scotia.

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The papers concerning the Gordon Peerage case, the report of the Committee and the evidence given are all preserved in a box marked "Gordon Peerage".

ALEXANDER HAY SETON, younger of Abercorn. 1904.

Born in Naini Tal, India, "Sandy" Seton spent most of the first ten years of his life in Simla, where he had ample opportunities of developing the love for sport and unusual skill with gun and rifle which has characterised him ever since.

On returning home he went to Trinity College, Glenalmond for his education, but after some years left the school and went to a crammer for the Army. Having failed at his first attempt, he was going up for his last chance when he broke his right arm, and could not compete.

He then got a Commission as 2nd Lieut. in the Territorial Army and was posted to the 19th Armoured Car Co. (Lothian & Border Horse) on 4th July 1924. After two years service he was transferred to the Regular Army on 11th August 1926, and had a Commission in the Royal Scots on 3rd September 1926.

During his childhood in Simla, in December 1913, an incident occurred which brought him into great notoriety. An Indian came to the garden and attempted to assault his sister Marie, but ran away on seeing Sandy. The lad pursued him, gave him a severe beating and tied him up with his sporran strap. In due course the man was sentenced to a year's imprisonment for criminal trespass. The Indian press rang with accounts of the brutal assault on an Indian by a "Staff Officer of the Viceroy" and his son; and Lord Hardinge immediately quashed the sentence and released the man. The latter brought an action for assault against Sandy Seton and his father, and they were fined. Public opinion was manifested by scores of telegrams and letters to the boy from strangers all over India, congratulating him.<sup>1</sup>

Soon after joining the Army he was detailed to represent his regiment in "throwing the hammer". In

practising for this - at which he was an expert - he damaged himself very seriously internally, and had to go on the sick list. This led ultimately to his being placed on half pay.

When his health had somewhat improved he was, through the courtesy of the Prime Minister, Mr. Ramsay Macdonald, given an honorary attachéship in Sofia, Bulgaria, which he joined on 11th November 1930.<sup>1</sup> While so employed he occupied himself, with marked success, in secret service work.

#### Marriage.

On March 1927 Sandy Seton married Geyla, daughter of John Sanderson, Edinburgh and had issue:

Egidia Hay born 5th July 1928.

1. Abercorn Charters A 293.  
32-8



BRUCE LOVAT SETON. 1909.

"BRUCE LOVAT" as he is always called was born in Simla 29th May 1909. He was educated at the Edinburgh Academy from 1920 to 1927, from which school he was given a nomination to the Royal Military College, Sandhurst in 1927.

He rose there to be Senior Under Officer of his Company, in January 1929.

On 30th August 1929 he was gazetted as 2nd Lieutenant to the Black Watch.

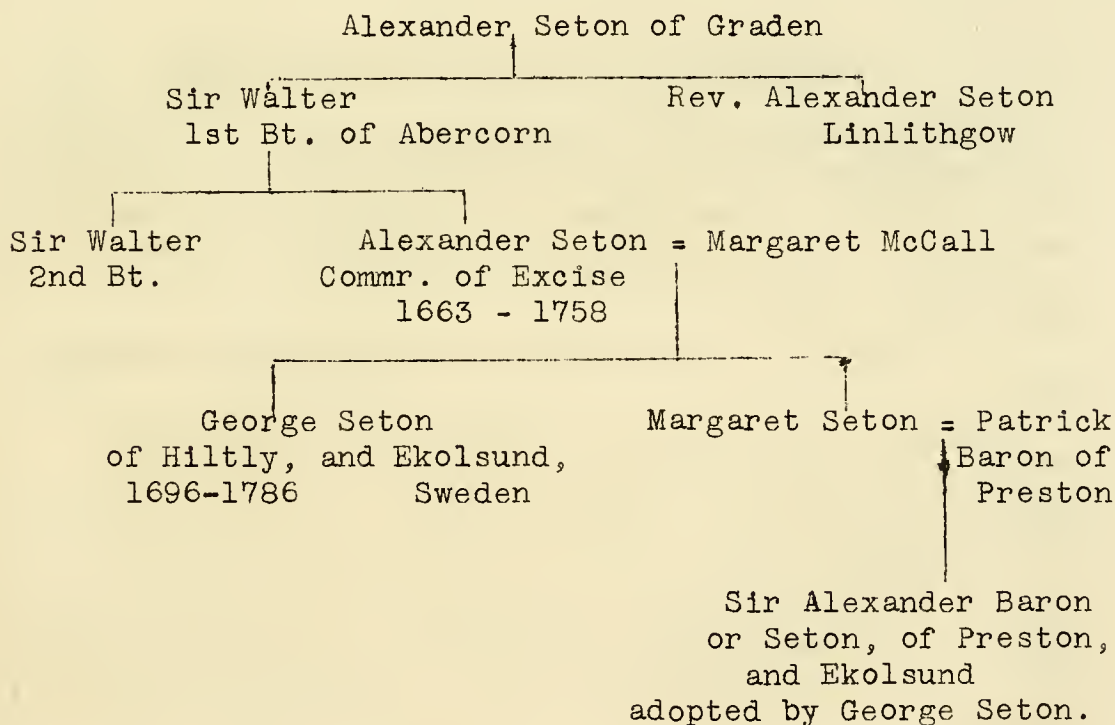
Fencing.

When he went to Edinburgh Academy he joined Mons. Crosnier's Fencing School, and took up fencing with great keenness. In due course he came to the front, not only in Scotland but in England. In each of the years 1925 and 1926 he won the Oxford and Cambridge Trophy for public schools, and was runner up in 1927. In 1928, while at Sandhurst, he went to the French Military School at St. Cyr and won the Foils. Having also competed against England he was given his international Badge in 1929. In 1930 he was put in the Army Fencing Team.

Chapter 16.SETON OF PRESTON AND EKOLSUND.1. ALEXANDER SETON. 1663-1758.2nd son of Sir Walter Seton, 1st Bt. of Abercorn.

As the younger son of an impoverished family, this Alexander Seton was provided for by being appointed Collector of Excise at Linlithgow, and here he acquired, apparently by purchase, the small estate of Hiltly which had belonged to his uncle, Alexander Seton, Minister of Linlithgow.<sup>1</sup>

The relationship between him and his descendants and the main line of Seton of Abercorn is as follows:

1. Abercorn Charters A 144.

About 1695 he married Margaret daughter of Provost McCall of Haddington, by whom he had seventeen children. He died in 1758 aged ninety six.

Of his children two require mention.

1. George Seton of Hiltly, who succeeded.
2. Margaret who married Patrick Baron or Barron of Preston, near Linlithgow. He came of an old family of French extraction, the first of whom came to Scotland in the suite of Marie of Lorraine, Queen of James V. By this marriage she had three daughters and a son.

- a. Alexander who ultimately succeeded his uncle George Seton in his Swedish properties, and his father in the estate of Preston.

## 2. GEORGE SETON OF HILTLY AND EKOLSUND.

1696-1786

George Seton went to Danzig and thence to Stockholm as a young man and amassed wealth in business, probably as an exporter. According to Marryat<sup>1</sup> he lent money to Gustaf III, who repaid him by making over to him in 1784 the Royal estate of Ekolsund, which has remained in the family ever since.

In 1785 he and his adopted son were made Swedish Nobles.<sup>2</sup>

Marryat says he first adopted one Robert Dundas, who had two sons Alexander and Patrick. The former is said to have become enamoured of his stepmother and to have been confined in Bethlehem Hospital for 18 years as a lunatic. In a modified form the story appears also in Fischers "Scots in Sweden", but with the difference that the Alexander and Patrick mentioned were said to be sons of George Seton's nephew Alexander Baron who succeeded him.

1. Marryat: "One year in Sweden."

2. Seton: Family of Seton, l. 369 based on the Preston M.S. Pedigree.

3. Fischer: Scots in Sweden 37.

The story is probably untrue.

George Seton died in Stockholm in 1786, but, having no heirs of his own, he had adopted, in 1783 or shortly after, his nephew Alexander Baron who succeeded him.

### 3. SIR ALEXANDER BARON or SETON of PRESTON.

Alexander Baron was the son of Margaret Seton and Patrick Baron of Preston. He was shown as "Alexander Baron de Preston" in the Rolls of St. Andrews University in 1783, when he was awarded the Degree of Doctor of Laws. From this it may be inferred that he had not then been adopted by his uncle George, and changed his name. He may not have taken this action during his uncle's life time; but in 1785 he was using the maternal surname of Seton, and had a grant of the undifferenced Touch Coat of Arms, with the Winton supporters from King Gustaf III.

In 1797 he was created a Knight of the Swedish Order of the Wasa, as Sir Alexander Seton of Ekolsund.

Nothing had been ascertained about his life. He appears to have been an Advocate, but whether he lived chiefly in Scotland or in Sweden is not known.

On 29th June 1763 he married Elizabeth, daughter of Archibald Angus, an Edinburgh merchant, and by her had four sons. He was a friend of Anne Seton, daughter of Sir Henry 4th baronet of Abercorn, and wrote letters to her sometimes from Preston and sometimes from Ekolsund. He wrote from Preston on 5th April 1813.<sup>1</sup> The date of his death is unknown.

His sons were:

1. George born 30th May 1764, died at the age of nineteen.

1. Abercorn Charters A 199.



2. Patrick Baron who succeeded his father.
3. Archibald born 14th Oct. 1766, drowned off the Cape 1787.
4. Alexander born 10th Dec. 1768.

This Alexander married on 13th August 1785 Ann, daughter of Alexander Innes of Cathlaw. In the Edinburgh Marriage Registers he was styled "of the Kingdom of Sweden". He died in Stockholm in 1828.

4. PATRICK BARON SETON of Preston and Ekolsund.  
1765-1837.

Patrick Seton was a doctor; in 1787 he wrote a "Treaty on Paralysis" apparently for his medical degree. He resided partly in England and partly in Sweden.

He married Agnes Thomson, and by her had three sons and four daughters. From the marriages of the latter it is evident that part of this branch of the family was becoming Swedish.

He died at Torquay 14th November 1837.

His family was as follows:

1. Alexander who succeeded.
2. Patrick born 1807, died at Torquay 15th Sept. 1837.
3. Archibald born 1810, died in 1820.
4. Elizabeth born 1804, died in Stockholm 1827.
5. Margaret born 1805. She married Baron Carl Gustaf Aldercruntz, son of the General who was chiefly instrumental in dethroning King Gustaf IV in 1809. She died in 1871.
6. Agnes born 1809, married Capt. John Engelhart and died in 1842.
7. Anne born 1812, married Robert Graeme of Wellhall.

5. ALEXANDER SETON of Preston and Ekolsund D.L.  
1806-1884.

In or about 1846 Alexander pulled down the old fabric of Preston House and rebuilt it in its present form; he also greatly improved the property. He died there on 17th May 1884.

He was a Deputy Lieutenant of the County.

He married, first Mary, daughter of James Campbell of Dunmore, Argyll; she died 10th December 1846 without issue.

In 1848 he married Mary, daughter of Sir William Baillie Bt. of Polkemmet, Linlithgowshire; by her he had a large family:

1. Patrick Baron who succeeded.
2. William Baillie born 1851.
3. Alexander George born 1856. He married in 1892 Hedrig Cecilia, daughter of Count Braumerhjem of Haga.
4. Charles Aldercreutz born 1859, died at Gullane 16th Oct. 1826. He married in 1894 Maria Isabella, daughter of Andrew Stewart of Auchlunkart, Banffshire, and had issue, a son and two daughters Mary and
5. George born 1863. Resides in the Argentine Republic. He married in 1907 Louie, daughter of - Baillie.
6. Mary Dennistoun born 1854, married Lieut. Col. Charles Graeme, son of James Graeme of Garvock.
7. Agnes Alexandrina born 1857, married in 1907 Nicholas Androutzos.
8. Margaret born 1860, married Charles Paterson of Cranly, Ceylon and has a son and two daughters.

7. COLONEL PATRICK BARON SETON  
of Preston & Ekolsund. 1849-1911.

Patrick Seton succeeded his father in 1884. In 1879 he was appointed "Hofjägmästare" by the King of Sweden, with the rank of Colonel; and in 1892 was created a Knight of the Order of the Wasa, which implies membership of the Swedish House of Nobles.

He had interests in Ceylon, but appears to have lived mostly in Sweden.

In 1873 he married Beate Louise, daughter of Captain Baron Rosencrantz, a descendant of Gustavus Adolphus. By her he had issue:

1. Alexander George, born 1882, who succeeded.
2. Patrick Baron Frederick born 1886.
3. Mary Isabella born 1874.
4. Elizabeth Henrietta born 1876.

Colonel Seton died at Stockholm in 1911, and the estate of Ekolsund was sold immediately afterwards.

8. ALEXANDER GEORGE SETON of Preston. 1886.

Alexander succeeded his father in 1911.

He married and has issue:

1. Patrick.

Chapter 17.SETON OF MELDRUM.

The Setons of Meldrum were one of the earliest cadet branches of the family. Springing as they did from Alexander de Seton and Elizabeth Gordon, and having settled permanently in Aberdeenshire it was inevitable that they should have identified themselves with the policy and actions of their Chiefs.

Unlike the next generation, however, they did not change their patronymic to Gordon.

Successive generations of these Setons acquired notoriety, partly as confirmed "conspiratouris aganis the trew religioun", and partly because they were almost continuously embroiled in agrarian disputes. They, and their cadet branches, the Setons of Pitmedden, Mounie, Schethin, Blair Etc. hung together, and, it must be admitted, were uneasy neighbours.

Their activities went as far afield as the Burgh of Aberdeen, where they were not always altogether popular.

The estates of Meldrum in Garioch, Aberdeenshire came to the first member of the family by marriage in the early 15th century; at the end of the 16th century, when the male line failed, they passed with a daughter to the family of Urquhart.



1. WILLIAM SETON OF MELDRUM.

circa 1411-1452.

The second son of Alexander de Seton, Dominus de Gordon and Elizabeth de Gordon was William. He never assumed the surname as did his elder brother Sir Alexander Seton Lord Gordon when he was created Earl of Huntly.

When the Earl of Huntly, as Lieutenant General of the North, raised the King's banner against Alexander Earl of Crawford, who was then in rebellion, in 1452, William and his younger brother joined him, and were both killed at the battle of Brechin on 18th May 1452.

William married Elizabeth, daughter and heiress of William Meldrum of that ilk, the eighth of his line, and with her he acquired the lands and barony of Meldrum, the lands of Auchinhuif and of Fyvie, which latter was acquired in 1599 by the Earl of Dunfermline.

By this marriage William Seton became the first of the Setons of Meldrum in the Garioch of Aberdeenshire.

He left a son Alexander.

2. ALEXANDER SETON OF MELDRUM.

ob. before March 1500.

Alexander was served heir to his mother on 20th April 1456, and in 1469 and 1476 was referred to as "dominus de Meldrum". On 12th November 1499 he had a Royal Charter confirming to him and his wife Muriella the lands of Gonyr, Auld Meldrum and the mill of Cromlat in the lordship of Meldrum in conjunct fee.<sup>1</sup>

He married Muriella, daughter of Alexander Sutherland of Duffus, and by her had issue:

1. William, younger of Meldrum.

On 15th March 1490/91 he had a charter under the Great Seal confirming to him and his wife, the lands of Balcarnie in the lordship of Meldrum, which had

1. Reg. Mag. Sig. XIII - 62C. 12.11.1499.

been given to them by his father Alexander.<sup>1.</sup>

He predeceased his father, but, by his wife Elizabeth, daughter of Alexander Leslie of Wards,<sup>2.</sup> he had a son Alexander who succeeded to Meldrum.

2. Katherine, who married William Forbes of Towie.<sup>3.</sup>

Alexander Seton was included in a decreet of the Lords of Council in February 1492 in connection with the "destructionie and byrning of the place of Ardendrach", which belonged to William Hay.<sup>4.</sup> This is the first recorded outbreak of lawlessness which characterised the Setons of Meldrum.

He appears to have died before 20th March 1500.

### 3. ALEXANDER SETON OF MELDRUM.

1491-1526/7

This Alexander succeeded his grandfather in 1500, as a boy, and was served heir to him in the barony of Meldrum in July 1512. Of his early years nothing is known until January 1521, when his name appears as a Burgess of Aberdeen.<sup>5.</sup>

In March 1518 the Town Council and Merchants of Aberdeen had ordained that no man should be made a burgess of guild, and therefore entitled to trade or to vote in burgh elections, except sons or sons-in-law of burgesses. This caused great umbrage and, at the elections held in 1525, the Setons of Meldrum and the Lesliees of that ilk created a disturbance with a force

1. Reg. Mag. Sig. XII - 287 15.3.1490/91.

2. Macfarlane: Genealogical Collection II 450.

3. Records of Aboyne. 72.

4. Antiquities of Aberdeen & Banff. 1. 321, 348 and 382.

5. Aberdeen Council Register (Spalding Miscellany) X.237.

of eighty spears.<sup>1</sup> They attacked the city one night, and a prolonged conflict with the citizens ensued. It is said there were eighty casualties among the inhabitants - probably a gross exaggeration. To prevent a repetition of such an incident, the Town Council ordered that the "ports" and "vennels" of the Burgh be repaired, and that a guard be maintained at night. It was also ordered that all young able bodied men should practice with bows and firearms.

There is nothing known which explains this incident, but there is no doubt the principals were Alexander Seton of Meldrum, John Leslie of Wardes, William Leslie of Balquhain, and Alexander Leslie of that ilk.

It is certain, however, that these Setons and Leslies at this period were generally associated with the Earls of Huntly, and were in opposition to the family of Forbes. On 31st January 1526 Alexander Seton was murdered by a Forbes party,<sup>2</sup> of whom John, Master of Forbes was one. This apparently took place in the house of Gilbert Menzies, provost of Aberdeen. The actual assassin was one Alexander Forbes, alias Sprangar, and he was killed shortly afterwards by young Leslie of Balquhain. In 1527, John Leslie and others had a Royal remission for killing Alexander Forbes "ane of the murderaris of Alexander Seytoun of Meldrum".<sup>3</sup>

The Master of Forbes was naturally anxious about the part he had himself played in the murder, and he took steps to secure a Royal pardon for himself under the Great Seal for a variety of crimes he had committed, namely, absenting himself from the Royal Army at Solway, the murder of Alexander Seton, and any other offences.<sup>4</sup> This he obtained on 10th October 1530.

1. Extracts. Aberdeen Council Register 94; Ledger of Halyburton. Preface LXXXIII; Watt. History of Aberdeen and Banff 122.

2. Scots Peerage III 589.

3. Antiquities of Banff & Aberdeen III 377. IV 416.

4. Reg. Mag. Sig. XXV - 276. 10 Oct. 1530.

This remission did not save the Master of Forbes for long. In June 1536 George, Earl of Huntly, brought a charge of high treason against him and his father Lord Forbes, and they were imprisoned in Edinburgh Castle. His father was acquitted, but John was convicted by the Court of Justiciary on 14th July 1537, and he was beheaded three days later.<sup>1</sup> The Master stoutly denied the charge of having conspired to murder the King at Aberdeen, but he admitted that he had been concerned in the death of the Laird of Meldrum.<sup>2</sup>

The revenge on those who were responsible for Alexander's murder was even then not complete. In June 1536 the widows of Duncan and Ninian Forbes, John Calder and Donald McKay - all of whom were implicated - complained to the Lords of Council that, although they had obtained official protection, William Seton of Meldrum, William King and others "had purchased Letters" and therewith had put them to the horn, and their goods "escheat".<sup>3</sup>

What happened is not known.

The whole incident is an interesting example of mediaeval life in Scotland. Alexander, naturally turbulent and at the same time loyal to his chief, was merely a pawn in the political game, with Huntly and the King on one side, and Forbes and the exiled Earl of Angus on the other.

Alexander Seton was twice married.

His first wife was Agnes, daughter of Patrick Gordon of Haddo, ancestor of the Earls of Aberdeen. By her he had two sons.

1. William, who succeeded him.

2. Alexander, Vicar of Bathelnie and Chancellor of Aberdeen Diocese, and, in that capacity held the

1. Scots Peerage IV 54; Arnot. Criminal Trials (1812) 163.

2. Douglas Peerage I. 592.

3. Acta Dominorum Concilii VIII 71, 159.



lands of Mounie in feu for the Church. In 1557 his elder brother acquired these lands for his second son John. (See below).

Alexander's second wife was Janet, daughter and one of the co-heiresses of George Leith of Barns, with whom he got the lands of Blair in the parish of Bourtie. By her he had a son:

3. John who, in February 1526/7 had a charter of half the lands of Rothnock, Auchleven, Blair and Drumrossy resigned by his mother in his favour.<sup>1</sup> From him descended the turbulent Setons of Blair whose names appear repeatedly in contemporary records in connexion with agrarian disputes with their neighbours, and with the Church authorities on religious matters. In 1628 one William Seton of Blair was one of a number of persons shown as "having proudly and contempriandlie remarried under excommunication this lang tyne bygane". He was put to the horn and his goods seized; on 23rd July, however, he abjured the Catholic religion and was pardoned.<sup>2</sup>

It is possible that Alexander Seton of Meldrum had been abroad in his youth, as the name "Alexander de Seton, Dominus de Meldrum" appears on the walls of the "Aula Magnifica" in the University of Bologna. Alternatively it may have been his grandson.

1. Reg. Mag. Sig. XXI. 62 15 Feb. 1526/7.

2. Reg. Privy Council III. (new series) 179, 234.

4. WILLIAM SETON OF MELDRUM.

circa 1512-1580/1.

At the time of his father's murder, William was a minor. He was in good favour with the King who, in February 1531/2, granted him the gift of his own marriage;<sup>1.</sup> and in January 1533 he was served heir to his father.

On his marriage in February 1534/5 to Janet Gordon, daughter of William Gordon of Terpersie, he resigned the estates of Meldrum, Old Meldrum, Bathelnie and others, and had a regrant of them to himself and his wife, and their incorporation "for good service" into the free barony of Meldrum.<sup>2.</sup>

In December 1544, his name appears in the Privy Seal Register as being granted a respite for a period of nineteen years for having "recklessly" shot one James Seytoun with a hagbut.<sup>3.</sup> The identity of his victim has not been established.

In March 1574 William Seton and his eldest son were sent to capture John Cheyne of Straloch and other "rebels". On this occasion he was accused by Cheyne of the murder of one Thomas Sangster,<sup>4.</sup> but nothing happened.

During the early part of Morton's Regency William was one of the Queen's party, but in July 1573 he was compelled by force of circumstance to give an obligation for himself, his family, his friends and servants, under the terms of the Pacification of Perth, to be loyal in future to Morton and to the King's authority.<sup>5.</sup>

He died before December 1581.

1. Reg. Privy Seal IX. 85.

2. Reg. Mag. Sig. XXV. 166 8 Feb. 1534/5.

3. Reg. Privy Seal XVII. 97.

4. Reg. Privy Council II. 350.

5. Register of Deeds XII. 285.

William Seton was twice married.

Before 1535 he married Janet, daughter of William Gordon of Terpersie, and by her had issue:

1. Alexander, "fiar of Meldrum".
2. John of Lumphard. In 1557 his father acquired for him the estate of Mounie (Pitmounie) from the diocese of Aberdeen. He was concerned, as shown below, with his half brother George Seton of Barra in the murder of Alexander King, Advocate, in 1595.

In 1569 he bought the lands of Pittynoun in Daviot parish from the Bishop of Aberdeen. This was confirmed in January 1575/6.<sup>1</sup>

He married Marie Maitland and had a son William who succeeded him before 1597.

3. William of Slatie or Bethelvie died before 1598, leaving a son William who was served heir to him on 29th April 1606.<sup>2</sup>

4. Elizabeth married William, son of Gordon of Auchmenzie.<sup>3</sup>

According to the Douglas Peerage William Seton married secondly, in January 1548/9, Margaret, daughter of Innes of Leuchars and had by her two sons.

This may be so, but the Great Seal Register has an entry, dated 8th December 1581, legitimising "Mr George Seytoun and James Seytoun, bastard sons natural of the "late William Seytoun of Meldrum, by Margaret Innes, "then wife of Gordon of Arrandole".<sup>4</sup>

They may have been born before the marriage.

1. Reg. Mag. Sig. XXXIV. 35 and Reg. Privy Seal XLIII 56.  
 2. General Retours 244. 29 April 1606.  
 3. Records of Aboyne 213.  
 4. Reg. Mag. Sig. XXV. 473. 8 Dec. 1601.

These sons by Margaret Innes were:

5. George of Barra, Chancellor of Aberdeen, a litigious person whose name often appears in the records of his time. He became specially notorious in connexion with a feud with the equally turbulent family of King of Barra.

In 1538 one William King was "portioner" of Barra and Bourtie, and had a son James. In 1590 George Seton had a letter of gift of the escheat of all goods belonging to James King of Barra, his brother David King of Fallaw, David King Vicar in Bourtie, and others, who were denounced rebels for not appearing in Court "to underlie the law for art and part of the murder of umquhile Alexander Seton, apparent of Meldrum", nephew of George Seton. (See below.) <sup>1</sup>.

In June 1592 George's half brother, John Seton of Mounie, was at the horn for non payment of a debt of 1000 merks owing to Alexander King, advocate, who was granted escheat of John's estate.<sup>2</sup>.

A family feud arose, and in February 1595/6 the Lords of Council, at the instance of George Seton, ordered the Sheriff of Aberdeen to arrest James and David King for not appearing as witnesses in an action brought by William King against George Seton for ejecting him "furth of Barra" and despoiling him of cattle, corn and goods.<sup>3</sup>.

The next incident was an armed conflict in December 1595, in the course of which Alexander King, Advocate, was killed by John Seton of Mounie and his son William, and George Seton Chancellor of Aberdeen;<sup>4</sup>. William was

1. Reg. Privy Seal LXI. 41. 9 Sept. 1590; Scots Peerage III. 589.

2. ib LXIV. 38. 29 June 1592.

3. Acts and Deceets CLXII. 219.

4. Scots Peerage III. 589.



granted a remission for his share in this affair,<sup>1</sup> but on 13th February 1595/6 Robert, Lord Seton became cautioner for the appearance of John Seton of Mounie and George Seton, Chancellor in Court;

"to underlie the law in the Edinburgh Tolbooth for the slaughter of Alexander King".<sup>2</sup>

There is nothing to show that they ever surrendered themselves to justice. But it is certain that in January 1598/9 George Seton had a charter of the half lands of Barra, Bourtie and others in the parish of Bourtie, which were in the King's hands, partly for failing to appear in connection with the murder of young Alexander Seton, and partly for non payment of a tax.<sup>3</sup>

All these complicated transactions arose directly or indirectly out of the murder of young Alexander Seton, apparent of Meldrum, by the Kings. And the result was that Barra passed into the hands of the Setons of Meldrum.

George Seton does not appear to have married. He left his Barra and Bourtie estates to his brother James. The tenement he had acquired in the Canonry of Aberdeen in 1598, he sold in 1620 to Alexander Seton, Earl of Dunfermline.<sup>4</sup> This consisted of a building and land, and was known as the "Mansion of the Chancellor".

(See also Seton of Mounie.)

6. James of Bourtie.

(See Setons of Pitmedden below.)

7. Henry. His name appears on 31st Oct. 1620 in the Register of the Scots College at Douai.<sup>5</sup> He is said to have died in poverty in Paris.

1. Reg. Privy Seal LXIX. 37 27 Jan. 1596/7.

2. Reg. Privy Council V. 273.

3. Reg. Privy Seal LXXI. 152; Reg. Mag. Sig. XLI. 476. 26 Jan. 1598/9.

4. Reg. Mag. Sig. XLIX. 220. 16 November 1620.

5. Historical MSS. Commission. Appendix to 5th Report p. 653.

(MSS. of Maxwell Witham.)

In 1533 William Seton resigned his lands for new infeftment to him and Janet Gordon and their heirs, which failing to his nearest heirs. This was confirmed in 1535. In January 1556 he granted a charter to his eldest son Alexander, his heirs and assigns whatever, of the said lands and barony to be held of the King. The succession hitherto had been to heirs general.<sup>1.</sup>

#### 5. ALEXANDER SETON OF MELDRUM.

circa 1536-1597/8.

Alexander succeeded his father before December 1581.

In 1574 he was declared rebel and put to the horn for failing to appear before the Privy Council,<sup>2.</sup>

"to haif anserit to sic things as sould have been inquirit at him".

This action probably resulted from the trouble which involved George fifth Earl of Huntly, who was suspected of abetting his brother Adam's designs in France, and was warded in Galloway in July 1574.<sup>3.</sup> Alexander Seton was one of his sureties. It may be concluded that Alexander maintained the old friendly relationships between the Setons of Meldrum and the Earls of Huntly.

In 1578 he appears as cautioner for George Lord Seton in a dispute with one James Crichton.<sup>4.</sup>

His conduct, however, must have aroused suspicion in April 1589, when his kinsman James Seton of Touch became surety for the good behaviour of him and a number of his relations, - the Setons of Blair, Limfurd and

1. Douglas Baronage 159.
2. Reg. Privy Council II. 398.
3. Scots Peerage IV. 540.
4. Reg. Privy Council III. 55.

Auchenhuif in a sum of 5000 merks.<sup>1.</sup>

There is no direct evidence that he took a share in the operations against the family of King of Barra in the course of which his son Alexander Seton was murdered, but in the following year, in February 1591, Sir Walter Ogilvy had a bond of caution against him and his brothers on behalf of Alexander King.

In 1595 he had a quarrel with George Earl Marischal, and was summoned to desist from any action, and to be prepared to appear before the Privy Council, under penalty of fire and sword in case of contumacy.

Alexander Seton was dead before March 1597/8.<sup>2.</sup>

He was twice married. His first wife was Elizabeth, daughter of Alexander Irvine of Drum, by whom he had a son:

1. Alexander "fiar of Meldrum". He was murdered in August 1590 by the family of King of Barra. In 1584 he had married Christian, daughter of Michael Fraser of Stainywood (Stonywood),<sup>3.</sup> by whom he had a daughter Elizabeth who ultimately became ancestress of the Urquharts of Meldrum. The circumstances of the murder are not known,<sup>4.</sup> (see above George Seton of Barra), but it led to a vendetta between the Setons and Kings.

On 12th August 1579 Alexander Seton of Meldrum married, secondly, Jean daughter of Alexander, sixth Lord Saltoun of Abernethy,<sup>5.</sup> with whom he had a tocher of 6000 merks.<sup>6.</sup>

By her he had two sons and two daughters.

1. Reg. Privy Council IV. 378.

2. Acts and Decrees CLXXII. 368.

3. Scots Peerage IV. 112.

4. Scots Peerage III. 589, 590; Pitcairn Criminal Trials I. 141.

5. Scots Peerage VII. 412.

6. Register of Deeds XX. pt. 1. 43.

2. John who succeeded him.
3. William who succeeded John.
4. Margaret married Chalmers of Balbithan.
5. Isobel married Thomas Erskine of Pittodrie.

Alexander also had a natural son William, who had a letter of legitimation.

In December 1584 Alexander had granted a charter to his son Alexander of the estate of Meldrum, in favour of him and the heirs male of his body, whom failing, to his own heirs male and assignees whatsoever. The consequence of this alteration of the course of succession was that, when young Alexander was murdered in 1590, the succession opened to his half brother John.

#### 6. JOHN SETON OF MELDRUM.

1580 - 1619.

His elder half brother having been murdered, John Seton succeeded his father before March 1597/8.

In 1594 he, with others of his family, was summoned before the Privy Council as "tressonable practizaris and "conspiratoures agains the trew religioun".<sup>1.</sup>

He married as her second husband Grizel Stewart, daughter of John, fourth Earl of Atholl<sup>2.</sup> and widow of David, eleventh Earl of Crawford, but had no children.

John Seton died in 1619, and was succeeded by his brother William.

1. Reg. Privy Council V. 146.

2. Scots Peerage 1. 445, III. 31.



7. WILLIAM SETON OF MELDRUM.

- 1638.

William Seton was served heir to his brother John on 5th October 1619 in the estates of Meldrum,<sup>1</sup> and to his uncle George Seton of Barra on 3rd April 1627.<sup>2</sup> The Barra estate he disposed in 1630 to his kinsman Alexander Seton of Pitmedden.

In the official account of the funeral of Alexander Seton, Earl of Dunfermline, on 9th July 1622, it is stated that William Seton of Meldrum

"caried the Pinsell (pennon) which was je Creist and word semper, painted on black Tafety".

At this impressive ceremony representatives of every branch of the family were present and took part. Another cadet of the Aberdeen Setons was William Seton of Oudnie (Udny).

William Seton married in 1625 Anna, daughter of James Crichton of Frendraught, but had no issue.

In 1635 he made a new disposition of the estate of Meldrum. The estate had originally come to the family through an heir female, and the course of succession had always been on heirs general. William Seton accordingly made a new entail, failing heirs of his own body, in favour of the issue of his niece Elizabeth, the only child of his eldest half brother Alexander. He did this, according to the Douglas Peerage, feeling that the estate should descend through the female line rather than to an heir male at a greater distance.<sup>3</sup>

He is said to have died shortly after; but, on 31st Dec. 1638, Sir Robert Gordon was given the escheat and life rent of William Seton of Meldrum.<sup>4</sup> The explanation of this escheat is not known, except that William had had an action at law brought against him by one George Chambers.

1. General Retours 853.

2. General Retours 1329; Special Retours, Aberdeen 199.

3. Douglas Baronage 160.

4. Historical MSS. Commission Report. Appendix to 9th Report 249a.

8. ELIZABETH SETON OF MELDRUM.

? 1586.

Elizabeth was daughter of Alexander, younger of Meldrum, son of Alexander fifth of Meldrum, who was murdered in 1590.

She married in 1610 John Urquhart of Craigfintry, and by him had several children. Of these, the eldest, Patrick, succeeded to the Meldrum estate and was the first of the family of Urquhart of Meldrum.

On 27th June 1634 she married secondly Alexander Fraser, tenth Lord Saltoun.<sup>1</sup>

With Elizabeth the main line of the Setons of Meldrum came to an end, after an uneasy history extending over some 240 years.

But from that line sprang the cadet branches of Pitmedden and Mounie, which still survive; also some minor branches untraceable in detail, including the Setons of Blair, Disblair, Schethin, Auchenuhif etc., whose names occasionally appear in charters and elsewhere, and who shared the fortunes of their kinsmen the Earls of Huntly, and contributed largely to the history of Aberdeenshire.

The Pitmedden family, and its branch Mounie, derived from James of Bourtie, a younger son of William Seton fourth of Meldrum, who lived between 1512 and 1581, and his second wife Margaret Innes.

The early members of both branches were strong Royalists, and were involved in the troubles of the time of Charles I.

1. Scots Peerage VII. 443.

Chapter 18.SETON OF PITMEDDEN.1. JAMES SETON OF PITMEDDEN.

1553 - 1626.

James Seton was a younger son of William Seton, fourth of Meldrum, by his second wife Margaret, daughter of Innes of Leuchars. As stated above he and his elder brother George, Chancellor of Aberdeen, were legitimated on 8th December 1581, after their father's death. In the relevant document they were described as

"bastard sons natural of the late William Seytoun of Meldrum by Margaret Innes, then wife of Gordon of Arrandole".<sup>1.</sup>

In March 1578/9 he was created a burgess of Aberdeen.<sup>2.</sup>

From his brother George he had the lands of Barra and Bourtie, of which George had a charter<sup>3.</sup> after the escheat of the Kings of Barra for the murder of young Alexander Seton in August 1590. James was thereafter styled "of Bourtie".

In September 1594 he acquired the lands of Pitmedden in the Garioch, Aberdeenshire from John Pantoun of Pitmedden, to be held of the Earls of Erroll, and had a charter of them under the Great Seal on 25th March 1619, along with the lands of Allethene and Auchmoir.<sup>4.</sup> He was then styled "of Pitmedden".

He married Margaret, grand-daughter of William Rolland, Master of the Mint of Aberdeen in the reign of James V, and had two sons.

1. Reg. Mag. Sig. XXV. 473. 8 December 1601.

2. Aberdeen Council Register XXIX. 814.

3. Reg. Privy Seal LXXI. 152; Reg. Mag. Sig. XLI. 476.  
26 Jan. 1598/9.

4. Douglas Baronage 182.

1. Alexander who succeeded.
2. James of whom nothing is known.

James Seton probably died before 20th July 1626, when his son Alexander had a charter of Pitmedden.

## 2. ALEXANDER SETON OF PITMEDDEN

- 1637.

In 1622 Alexander had the lands of Auchmoir and Dunbreck on his father's resignation. On 20th July 1626, after his father's death, he had a Charter under the Great Seal "of the lands of the barony of Dunbreck, with the mill and Milltown"; and on 5th June 1628 he was served heir to his father<sup>1</sup> in the lands of Auld Bourtie, Hillbray and Craig.

Finally on 10th July 1630 he had from his uncle, George Seton Chancellor of Aberdeen, the lands of Barra.<sup>2</sup>

Alexander married Beatrix, daughter of Sir Walter Ogilvy of Dunlugus, by whom, besides nine daughters, he had one son:

John who succeeded.

Of Alexander's life nothing is known. He died about March 1637.

## 3. JOHN SETON 3RD OF PITMEDDEN.

John Seton, according to Douglas, was a man "of good natural parts which were greatly improved by a

1. Aberdeen Retours 207 of 5 June 1628.
2. Reg. Mag. Sig. LII. 286 of 10 July 1630.



"liberal education and travelling".<sup>1</sup> This was a notable departure from the habits of his ancestors, and probably accounts for the striking characteristics of the Pitmedden Setons, many of whom followed John's example.

In 1633 he was in the suite of the Earl of Erroll, High Constable, at the coronation of Charles I in Edinburgh on 18th June. In the same year his father handed over Pitmedden to him and his affianced spouse Elizabeth Johnstoun; and on 15th March 1634 as "fiar of Pitmedden" he had a Royal confirmation in favour of himself and his wife of the lands of Allathine.<sup>2</sup>

On his father's death he was retoured heir male in the lands of Bourtie, Barra and Pitmedden, and in the dominical lands of Meldrum and Auld Meldrum.<sup>3</sup>

John Seton of Pitmedden took an active part in the conflict between Charles I and the Covenanters. In 1638 the Marquis of Huntly, who was raising troops for the King's service in the North, asked him to join in this work; he immediately complied, meeting Huntly at Fettercairn on his way south to Dalkeith. When Huntly and his son George, Lord Gordon, were captured and sent to Edinburgh, Pitmedden joined Huntly's second son James, Viscount Aboyne, who had assumed command of the Royal forces in the North, and entered into a Bond with other gentlemen of the County to stand for the King.

Montrose, at that time still a Covenanter, marched against this force, and for a short time was held up.

Aboyne, however, was compelled to fall back on Aberdeen, and, the Dee being in spate, decided to dispute the passage of the bridge over the river by Montrose. On 18th June 1639 the Royalists attempted to hold the bridge, and Pitmedden was in command of a detachment.

1. Douglas Baronage 183.

2. Reg. Mag. Sig. LIV. part II. 307. 15 March 1634.

3. Special Retours. Aberdeen 235. 30 March 1637.

In the action which ensued he was shot dead by a cannon ball while carrying the Royal Standard.

To commemorate this incident the Setons of Pitmedden, and their branch the Setons of Mounie, have, ever since, borne in the first and fourth quarters of their coat of arms in the middle of the three Seton crescents "a man's heart distilling blood", and, as a crest, a demi-man in military habit holding the Banner of Scotland, with the motto "Sustento sanguine signa".

After the action the Marquis of Montrose had Pitmedden's body interred in Aberdeen with military honours.

In 1633 John Seton married Elizabeth, daughter of Sir Samuel Johnstone of Elphinstone Bt. and had two sons:

1. James who succeeded his father.
2. Alexander who succeeded his brother.

After his death in action, John Seton's widow and children were driven from their house, which was plundered by the Covenanters. In 1640, during the brief lull in hostilities between the King and his subjects, Charles gifted the custody of the children and the "ward, marriage, and non-entry" of the estates to their distant kinsman George, third Earl of Winton, who supported and educated them in his own household until 1649.

John's widow married, secondly, James Johnstone, Earl of Hartfell, in March 1643.<sup>1</sup> She died before 1647.

#### 4. JAMES SETON 4TH OF PITMEDDEN.

1634 - 1667.

According to Douglas, James and his brother, after their father's death, "were reduced to incredible hardship", owing to the seizure of the rents from the

1. Scots Peerage 1. 258.

family property by the Covenanters. They were at first looked after by the Earl of Hartfell, who married their mother in 1643, until he himself was taken prisoner at Philiphaugh and fined £100,000 Scots. The Earl of Winton then took charge of them.

They were then sent to Aberdeen to complete their education.

On 3rd October 1655 James was retoured heir to his father,<sup>1</sup> and in June 1658 to his grandfather.<sup>2</sup>

Having left Aberdeen, he went abroad and remained there until the Restoration, when he entered the Navy. He took part in the victorious action at Harwich against the Dutch, on 3rd June 1665.

When the Dutch Fleet attacked at Chatham in 1667, James was severely wounded, and died in London shortly afterwards.

James never married, and was succeeded by his brother.

##### 5. SIR ALEXANDER SETON, 1ST BARONET OF PITMEDDEN.

1635/6 - 1719.

Alexander Seton was one of the most distinguished lawyers of his day.

He was educated at Aberdeen University, and was admitted an Advocate on 10th December 1661, and rapidly rose in eminence at the Bar.

On his brother's death from wounds in 1667 he succeeded to the property, and, according to Douglas "greatly retrieved" it.

Although he had not succeeded to the estate on 2nd December 1659, he is included among the heritors of the

1. Special Retours Aberdeen 329. 3 Oct. 1655.

2. General Retours 4359. 23 June 1658.

county who elected Charles, Lord Aboyne, to act as their Commissioner to confer with General Monck at Berwick, before he set out on the journey to England, which had for its result the restoration of the Stewarts. In the document signed by Alexander Seatoune of Pitmedden and the other heritors, it is stated that it is their

"firme purpoiss to leive peacablie without disturbance".<sup>1</sup>

He himself was essentially a man of peace, which is not to be wondered at considering his own experiences in his early childhood.

On 26th January 1665 his brother resigned the lands of Allathine to Alexander, who had a charter of confirmation under the Great Seal.<sup>2</sup>

He was in high favour with Charles II, who knighted him in 1664, and on 15th January 1684 created him a Baronet of Nova Scotia in recognition of his father's services, and his own qualities.

On the death of his brother in 1677, Sir Alexander had a Charter of Pitmedden, and other lands, erected into the Barony of Orchardtown.

By this time he was a prominent member of the Bar, and on 6th November 1677 he was appointed a Senator of the College of Justice, under the title of Lord Pitmedden; on 5th July 1682 he became a Lord Commissioner of Justiciary.

Between the years 1681 and 1686 he represented Aberdeenshire in Parliament.

Until the accession of James II and VII, Sir Alexander's career was one of unqualified success, but the Royal attitude in regard to the religious question was his undoing. The King recommended to Parliament the

1. Records of Aboyne 320-323.

2. Reg. Mag. Sig. LXI. - 34. 26 Jan. 1665.



abrogation of laws against Catholics; when this was refused, James decided to govern by Privy Council instead of by Parliament. Sir Alexander's attitude of opposition to the King marked him out for the Royal displeasure, and, on 12th May 1686, he was removed from his judicial appointments. On his deathbed James handed a ring to General Buchan

"with express commands to deliver it in his name to Lord Pitmedden, as a small testimony of regard that he bore to him".<sup>1</sup>

Commenting on Sir Alexander's attitude Lord Fountainhall says

"in the Parliament of 1686, of all the judges, Pitmedden only, like Athanasius, opposed the Court".

After the Revolution Sir Alexander was offered reinstatement in his offices; but, holding himself bound by his oath of allegiance to King James, he refused and retired into private life.

He probably visited London at this time, as in 1689 he had a passport to go there with his son in law Sir John Lauder.<sup>2</sup>

He then retired to Pitmedden and devoted himself to his estate and to literary pursuits, and died at the age of eighty-four on 29th May 1719.

He wrote chiefly on legal matters, and one of the best known of his works was an edition of Sir George Mackenzie's "Law of Scotland". But he also wrote on subjects in which he took an interest, such as the encouragement of linen manufacture in Scotland. He was a keen musician and, in 1695, was a member of an orchestra - chiefly amateur - which used to play in Edinburgh.

1. Seton: Family of Seton l. 481 foot note.

2. Historical MSS. Comm<sup>n</sup>. Laing Charters l. 462.

In or before 1673 he married Margaret, daughter of William Lauder, one of the Clerks of Session, to whom she was retoured heir in 1696;<sup>1</sup> and by her had a very large family:

1. William who succeeded.
2. George of Mounie see Seton of Mounie.
3. Alexander, physician in the Army. He began his medical career on 1st January 1701 as apprentice to James Brown, Chirurgeon Apothecary, Edinburgh.<sup>2</sup> At one time he was Medical Officer of Wade's Horse, and served under the Duke of Marlborough.

As a boy, on 14th August 1686, he was served heir of provision to John Seton, son of Captain John Seatone, son of Sir John Seatone of Gargunnock, descended from the Setons of Touch.<sup>3</sup>

From his younger brother James he inherited "Oliphant's Close" in Edinburgh, now called "Seton's Close".<sup>4</sup> This property he left to his sisters Isabel and Jean, who ultimately sold it to a Dr. Thomas Young.

The date of Alexander's death is not known.

4. James, merchant at Dantzig. He married one Christian Oliphant and died without issue.
5. Thomas, doctor of medicine. Died unmarried.
6. Elizabeth married Sir Alexander Wedderburn, second Baronet of Blackness, on 1st June 1693, by whom she had a son who succeeded and a daughter. She died before 1710.
7. Margaret married in 1696 Sir John Lauder, third Baronet of Fountainhall, son of the second Baronet, the distinguished advocate who was raised

1. General Retours 7689. 2 April 1696.

2. Register of Edinburgh Apprentices 78.

3. General Retours 7756 14 August 1686.

4. Boog Watson: Closes and Wynds of Old Edinburgh 193.

to the Bench with the title of Lord Fountainhall. From this marriage descended the family of Dick-Lauder, Baronets of Fountainhall and Grange.

8. Anne married William Dick of Grange. They had a daughter Isobel, who was heiress of Grange, and who married her cousin Sir Andrew Lauder, 5th Baronet of Fountainhall, and died in 1758 having had issue. Her third son Sir Andrew succeeded to the Grange estate on his mother's death and took the name of Dick in addition to that of Lauder.<sup>1</sup>

9. Isabel died unmarried.

10. Jean died unmarried

It is said that, during his occupation of Edinburgh in 1745, Prince Charles Edward visited the sisters Margaret and Anne at Grange House, and presented them with the white cockade in his bonnet, which is now in the possession of the Dick Lauders.<sup>2</sup>

Lady Seton survived her husband and died 19th October 1733.

#### 6. SIR WILLIAM SETON, 2ND BARONET OF PITMEDDEN.

1673 -1744.

Sir William succeeded his father in 1719. He had already come into prominence by writing a "Memorial to Members of Parliament of the Court Party", which was publicly burnt on 16th November 1700, and for which he was imprisoned in 1702.<sup>3</sup> This indicated his opposition to the Queensberry Party.

In the Scottish Parliament, 1702-1707, Sir William sat for Aberdeenshire, and in 1703 was a Commissioner on

1. Complete Baronetage. Cockayne IV. 361, 362.

2. Vestiarium Scoticum. Sobieski Stuart 105.

3. Complete Baronetage. Cockayne IV. 326.

Public Accounts, and in 1705 General Collector of the Scottish Bishops rents.

By far the most important feature of his career, however, was the part he took in the Commission for Union, which was appointed on 27th February 1706. Sir William - at that time "younger of Pitmedden" was one of the Commissioners, and his name appears among the signatories of the Treaty. He played a very prominent part in the Parliament while the Treaty was being debated. Hume Brown indeed, in his History of Scotland, says that his "weighty speeches... supplied the most cogent arguments in support of it".<sup>1</sup>

After the Treaty received its final sanction in the House, on 16th January 1707, Sir William continued his Parliamentary career by sitting in the first Parliament of Great Britain in 1707/8. During these years he became a confirmed political pamphleteer, which had a wide circulation.

After 1708 he does not appear in public life, but retired to Pitmedden, where he died in 1744.

In 1702 he married Catherine, daughter of Sir Thomas Burnett of Leys, Baronet, and by her had five sons and four daughters.

1. Alexander succeeded as 3rd Baronet.
  2. William succeeded as 4th Baronet.
  3. Archibald succeeded as 5th Baronet.
  4. Thomas, doctor of medicine. Died s.p.
  5. Charles, a naval officer who died before 1775.
- He married Anna Scrope, and had a son William who succeeded as 6th Baronet.
6. Margaret married Sir John Paterson of Eccles Bt.
  7. Mary married Rev. - Forbes.
  8. Katherine.
  9. Rachel.

1. History of Scotland. Hume Brown III. 113, 116.



7. SIR ALEXANDER SETON, 3RD BARONET OF PITMEDDEN.  
1703 - 1750.

He was an officer in the Guards. He died 24th July 1750 unmarried, and was succeeded by his brother.

8. SIR WILLIAM SETON, 4TH BARONET OF PITMEDDEN.  
1704 - 1774.

Nothing is known of him. He died unmarried 11th October 1774, and was succeeded by his brother.

9. SIR ARCHIBALD SETON, 5TH BARONET OF PITMEDDEN.  
- 1775.

He was a Lieutenant in the Royal Navy. Having succeeded his brother on 11th October 1774, he died unmarried on 26th May 1775, and the title devolved on his nephew William, son of his brother Charles.

10. SIR WILLIAM SETON, 6TH BARONET OF PITMEDDEN.  
- 1818.

He married on 23rd November 1775 Margaret, daughter of James Ligertwood of Tilbery, Aberdeenshire and had issue:

1. Charles died young.
2. James, Major 92nd Highlanders, killed in the Peninsula War. The gold Peninsula Medal presented to all officers present at the battle of the Pyrennees was sent to his widow after his death.

He married Frances, daughter of Captain George Coote, and left a son William Coote who became 7th

Baronet.

3. William, an officer in the East India Company's Service, who died in India unmarried. On his death in 1818, Sir William was succeeded by his grandson, William Coote Seton.

11. SIR WILLIAM COOTE SETON, 7TH BARONET OF PITMEDDEN. 1808 - 1880.

Deputy Lieutenant Aberdeenshire. He was by profession an Advocate.

On 26th November 1834 he married Eliza, daughter of Henry Lumsden of Cushnie, Aberdeenshire, and had issue:

1. James Lumsden succeeded as 8th Baronet.
2. William Samuel succeeded as 9th Baronet.
3. Henry in Holy Orders, 1839-1867.
4. Matthew, Barrister born 1844, died 25th June 1887; married 11th Sept. 1877 Therèse, daughter of Pierre Bonnet of Paris, and had issue:
  - a. Robert Disraeli Coote born 1881.
  - b. Rose Henrietta Lumsden.
  - c. Violet Therèse.
  - d. Lily Mackenzie.
5. Charles born 1847. Captain in the Norfolk Regt. Served in India, in the Jowaki expedition of 1877 and the Afghan War 1879-81. He married 17th May 1882, in America, Elizabeth daughter of James O'Neil and had issue:
  - a. Chrystal Dougal born 24th Sept. 1883.
  - b. Dorothy Beatrix born 12th Sept. 1885.

Served as a nurse in the American Army during the Great War, and died 8th February 1920.
6. Eliza married in 1873 Dr. Dyce Brown and died 1903.
7. Magdalen Frances married in 1870 Arthur Bevan and died 1918.

8. Frances died unmarried 29th May 1925.  
 Sir William died 20th December 1880 at Portobello.  
 The estate of Cushnie came into the family through his marriage to the daughter of Henry Lumsden of Cushnie, who was a Director of the East India Company.

12. SIR JAMES LUMSDEN SETON, 8TH BARONET OF  
PITMEDDEN. 1835 - 1884.

Sir James was born 1st September 1835, and in 1852 obtained a commission in the 102nd Regiment (1st Madras Fusiliers). He saw much service in Pagu, and in the Abyssinian Campaign under Sir Robert Napier; during the Indian Mutiny he was severely wounded while serving as Aide-de-Camp to Sir Henry Havelock.

When the Franco-Prussian War broke out in 1870 he happened to be on leave in Germany; he at once got himself attached to the 40th Hohenzollern Regiment in the Army under von Goeben, and served with it. He was awarded the Iron Cross by the Kaiser Wilhelm I. for saving life on the battle-field under fire.

Having overstayed his leave by this adventure he was tried by Court Martial on his return from Germany, and was retired from the Army with the rank of Captain in 1871.

He then set to work to write about the Franco-Prussian War, and produced two volumes in 1872 and 1873 on the operations of the German Army in Northern France.

On 20th October 1870 he married Elizabeth, daughter of George Castle, Oxford but had no issue by her.

He succeeded his father on 30th December 1880, but only held the title a short time, as he died in London on 26th September 1884, and was succeeded by his brother William.

13. SIR WILLIAM SAMUEL SETON, 9TH BARONET OF  
PITMEDDEN. 1837 - 1914.

Sir William was born 22nd May 1837. Like so many Scotsmen of that period he went into the Indian Service, and began by entering the Indian Navy. As a midshipman he took part in the capture of Mohammerah in the Persian Gulf in 1856/7.

In July 1857 he transferred to the Bombay Army and served in the 4th Bombay Rifles in the Afghan War of 1880.

In 1887 he became Brevet Colonel, and, from 1885 to 1890 he was Assistant Adjutant General Poona Division.

In 1884 he succeeded his brother, Sir James.

In 1893 he sold Pitmedden, and in his later years lived in Bedford. He died 5th March 1914 in his seventy seventh year.

On 15th March 1876 he married Eva, daughter of General Sir Henry Hastings Affleck Wood K.C.B., and had issue:

1. John Hastings born 20th Sept. 1888, who succeeded.

2. Eva Sophia born 30th March 1877.

3. Mary Christian born 30th August 1879.

4. Hilda Magdelene born 18th October 1880.

5. Ethel Susanna born 13th April 1884.

6. Florence Kate born 10th Sept. 1885.

Eva, Lady Seton died in Bedford 10th February 1927.



14. SIR JOHN HASTINGS SETON, 10TH BARONET  
OF PITMEDDEN. 1880 -

Sir John was born 20th September 1888 and succeeded his father on 5th March 1914.

He served during the Great War as Captain in the 6th Batt<sup>n</sup>. The Gordon Highlanders.

On 18th June 1923 he married Alice Ida, daughter of Percy Hodge, Cape Civil Service, and has issue:

1. Alice Eva Elizabeth born 16th May 1924.
2. Robert James born 20th April 1926.

In 1929 Sir John disposed of the estate of Cushnie, Aberdeenshire.

Chapter 19.SETON OF MOUNIE.THE LANDS OF MOUNIE (PITMOUNIE).

Mounie, in the Parish of Daviot, Aberdeenshire, belonged to the Cathedral of Aberdeen. In 1557 it was held in feu for the Church by Alexander Seton, Vicar of Bethelny and Chancellor of the Diocese, second son of Alexander Seton, third of Meldrum. (See Setons of Meldrum).

The Chancellor's brother William, who succeeded his murdered father in the estate of Meldrum, acquired Mounie for his second son John of Lumphard, who was in complete possession of the property by 1590, and was thereafter styled "of Mounie".

John Seton was succeeded by his son William before September 1597, and he disposed of Mounie, which then remained out of the hands of the family for over a hundred years.

In 1714 the estate was acquired by George Seton, Advocate, second son of Sir Alexander Seton of Pitmedden, Baronet, (Lord Pitmedden.) George thus became the head of the present family of Seton of Mounie, a branch of the Setons of Pitmedden.

JOHN SETON OF MOUNIE.

- circa 1597.

Second son of William Seton of Meldrum (1512-1581) This John Seton was originally known as "of Lumphard" until, as stated above, his father acquired for him the estate of Mounie between the years 1557 and 1590.

On 29th June 1592 his name appears in the Privy Seal Register, when Alexander King, Advocate, had a charter of gift of the escheat of John Seton of Mounie whose property was in the King's hands, through John being put to the horn for non payment of 1000 merks he owed to Alexander King.<sup>1</sup>

This resulted in a family vendetta against King, who was murdered by John Seton and his son William, and George Seton Chancellor of Aberdeen, in December 1595. They got off without any serious trouble, partly no doubt through the interest of Robert, Lord Seton (afterwards Earl of Winton) and partly through that of Alexander Seton, Lord President of the Court of Session.

A John Seton was "chancellor" or factor to the Lord President, as definitely stated in his widow's testament<sup>2</sup> of 1604. At this time, having handed over Mounie to his son, John may have been styled "of Auqu-" "horties";<sup>3</sup> though it is not certain that this was the case.

#### 1. GEORGE SETON OF MOUNIE.

1672 - 1763.

George Seton was second son of Sir Alexander Seton Bt. of Pitmedden and Margaret Lauder.

He was called to the Bar in 1701, but, after purchasing Mounie in 1714, he retired and lived on his estate, until his death in 1762.

During the Rising of 1745 George Seton succeeded in not identifying himself with either side, though he was called upon to help both. Among the family papers are

1. Reg. Privy Seal LXIV. 38.

2. Seton: Family of Seton II. 898.

3. Reg. Mag. Sig. XLVI. 322. 18 June 1610.

two interesting letters which indicate this:<sup>1</sup>.

On 11th February 1746 Col. John Roy Stuart, acting for Prince Charles Edward, wrote from Old Meldrum:

"Sir, You'll order against six o'clock tomorrow morning, being twelfth instant, 50 horses and packets for the Prince's use, under pain of military Execution".

On 3rd March George Seton received an order from Alexander Fraser of Strichen, on behalf of the Duke of Cumberland.

What his personal views were is not known, but on 23rd June 1748 he took the oaths of allegiance to George II and obtained formal permission from the Sheriff of Aberdeen to carry arms.

George Seton was twice married. Owing, no doubt, to the fact that his eldest son Alexander was mentally deficient, in 1762 he made a settlement of the estate in favour of William his eldest son by his second marriage, whom failing to his only daughter Helen, by his first marriage, and after her, to her son Patrick Leslie. Allowance was made for the succession through heirs female, but with the proviso that the husband and son and heir of any such female must bear the name and arms of Seton.

He died 8th March 1763, when 91 years of age.

In 1700 he married Anne, daughter of Sir Alexander Gibson Bt. of Pentland, and had issue:

1. Alexander. On 15th August 1729 he had a burgess ticket<sup>2</sup> from the City of Aberdeen, but in 1763 his father stated he "was and is disordered in his senses", and passed him over for the succession.

2. William died young.

1. Seton: Family of Seton l. 492.

2. Mounie Charters MO 84.



3. Helen married in 1730 Alexander Leslie of Warthill, by whom she had a son Patrick. Some time after 1740 he married, (secondly) Anne, daughter of John Leslie of Tochar, by whom he had issue:
  4. William who succeeded his father.
  5. Margaret who succeeded her brother.
  6. Isabella married 1783 Rev. Skene-Ogilvy D.D., by whom she had two sons and three daughters, and died 6th Sept. 1824.
  7. Catherine married William Henderson of Newton, Aberdeenshire, Captain 4th Kings Own, by whom she had four sons and three daughters.<sup>1</sup>.
  8. Jean.
  9. Rachel 1760, died 1786.

## 2. WILLIAM SETON OF MOUNIE.

circa 1750 - 1781.

He served in the 1st Foot (Royal Scots), but from his youth he was an enthusiastic agriculturist, and in 1772 wrote a set of "Regulations for the better farming of the estates of Mounie".

He was in Minorca on military service in 1773, and died in London unmarried on 29th December 1781. Under his father's disposition the succession devolved on his sister Margaret, owing to the failure of the other heirs specified in that document.

3. MARGARET SETON OF MOUNIE.

1749 - 1788.

Margaret Seton born 30th April 1749, was served heiress of provision to her brother on 4th May 1782. On 10th July 1768 she married James Anderson of Cobinshaw, Midlothian, farmer in Monkshill, Aberdeenshire; a man of considerable scientific attainments, and honorary M.A., LL.D. of Aberdeen University.

In terms of the deed of settlement of 1762 he had to assume the surname Seton, which he attached to his own as Anderson-Seton. He died in October 1808.

Margaret Seton died 26th November 1788, having had 13 children. Among these were:

1. Alexander who succeeded.
2. James "of Bridgend" (1776-1864), retained his father's original surname of Anderson. In 1809 he married Margaret Dalgaius, who died 1871, and had a large family.

Their eighth child John Cumming Anderson, Colonel, married in 1859 Anne Flora MacLean of Rhum, and Coll, and had a son Charles MacDonnell Anderson, born 1867.

He married Maud Cobbold, and they have a son William Seton Anderson, born 1898, who went into the Royal Engineers. He served during the Great War, and was dangerously wounded and invalided out of the Service.

In 1923 he married Helen Campbell.

3. Margaret married Benjamin Outram and had a son Sir James Outram Bt., the "Bayard of India", born 1803, who became a Lieut. General, G.C.B., K.C.S.I., and was granted a Baronetcy on 10th Nov. 1858.

There are other Andersons, Setons, and Seton Andersons who spring from the other members of Margaret Seton's family.

4. ALEXANDER ANDERSON-SETON OF MOUNIE.

circa 1770 - 1850

Alexander was infeft in the lands of Mounie in 1793, though his father retained his life interest in them.

In 1812 he obtained the Royal Licence to discontinue the use of the patronymic Anderson, and to use and bear the name and arms of his maternal grandfather only. The arms granted by the Heralds College were wrong in several respects, and a new patent had to be obtained, years later, in 1869, from the Lyon King of Arms.

He was appointed Deputy Lieutenant of Aberdeenshire. In 1810 he married his cousin Janet, daughter of the Rev. Skene Ogilvy D.D. She died in 1858, having had a large family:

1. James died in childhood.
  2. Alexander who succeeded his father.
  3. David who succeeded his brother.
  4. George born 1819, Major in the Sutherland Highlanders, who, in 1853, married Anne Lucy, daughter of Baldwin Wake, by whom he had two sons:
    - a. Alexander David who succeeded his uncle.
    - b. William George died unmarried 11th Aug. 1873.
- Major Seton died on 25th December 1905.
5. William Skene died 23rd July...
  6. Isabella died 1st July 1845.
  7. Anne died in infancy.
  8. Jessy Jane died unmarried 19th February 1831.

Alexander Seton died at Leamington 16th April 1850 in his 81st year.

5. LIEUT. COL. ALEXANDER SETON OF MOUNIE.

1815 - 1852

Alexander succeeded his father in 1850.

He went into the 74th Highlanders (Highland Light Infantry), and was holding the Staff appointment of Deputy Assistant Quarter Master General in Ireland in 1849. He obtained command of his battalion in November 1851.

In January 1852 he went out to the Cape in H.M.S. Birkenhead which was taking out detachments of his own and other units. After leaving Simon's Bay, the ship proceeded up the East Coast and struck a rock off Cape Danger in the night of 25/26 February, and began to break up. The women and children on board were saved, but 440 officers and men, including Col. Alexander Seton were lost.

A monument was subsequently erected at Chelsea Hospital in commemoration of the "heroic constancy and unbroken discipline" displayed by him and his men.

Several accounts of the incident were published at the time, and many inaccurate statements were made; but there is no doubt all ranks behaved with great bravery.

Alexander Seton was a first class mathematician; he was also a remarkable linguist, with perfect knowledge not only of classical and several European languages, but also of Persian, Sanscrit and others which he acquired while serving abroad.

He never married, and was succeeded by his brother David.



6. DAVID SETON OF MOUNIE.

1817 - 1894.

David Seton also went in for a military career, and served in the 93rd Sutherland Highlanders and later in the 49th Regt.

On his brother's death in 1852 he succeeded to Mounie, where he settled, and, unfortunately, made several additions in the worst possible taste.

He was an antiquary and linguist, and took a great interest in family history.

In 1869 he obtained from the Lyon Office a new patent of Arms, correcting the errors in the original coat drawn up by the English College of Heralds in 1812 for Alexander Anderson-Seton of Mounie.

He never married, and died in Edinburgh 14th March 1894, when he was succeeded by his nephew Alexander David, son of his brother Major George Seton of the Sutherland Highlanders.

7. LIEUT. COL. ALEXANDER DAVID SETON OF MOUNIE.

1854 -

Alexander David Seton, the present (1931) head of the family was born 25th October 1854.

Although never in the Regular Army, he was a keen military student, and served in the Forfar and Kincardine Artillery Militia, retiring as Lieut. Colonel. In later years he took a prominent part in Lord Robert's campaign in favour of national service, and gave lectures on the subject all over Scotland.

He was a keen sportsman, and acquired the theory as well as the practice of yacht design and sailing.

On his uncle's death he settled at Mounie.

Naturally a fine speaker, and also a Biblical student, Alexander Seton took a prominent part in the local interests of the Episcopal Church, and was appointed a lay reader, and then a deacon. After some years

however, he decided to hand over Mounie to his son, and went to England with his faithful wife and took Holy Orders. He held several charges, and then became Rector of Burley in Rutlandshire.

On 12th February 1879 he married Emily, daughter of Alfred Turner Esq. of Deysbrook, Lancashire, and had the following issue:

1. Alexander Charles born 27th July 1882. Went into the Royal Navy, and died, as a Lieutenant, of enteric at Las Palmas on 2nd January 1904. He had served in the Royal Yacht.

2. George William born 3rd April 1885. He went into the Navy and served until after the Great War, when he retired with the rank of Commander.

On 20th March 1920 he married Winifred, daughter of Arthur Edwards and widow of Captain Hickley R.N., by whom he has a son:

- a. Alexander Wake born 15th November 1922.

3. Henry Winton born 1st August 1887. Went into the Indian Army and became Captain 9th Gurkha Rifles. An enthusiastic sportsman from childhood, he damaged his heart, and his health prevented him taking an active part during the War. He was, however, employed in training units at home, and also in Staff jobs at the India Office and elsewhere. He retired in 1920.

On 27th July 1915 he married Sybil, daughter of Douglas Abercromby Esq. of Kinbroon, Rothienorman, and has a daughter

- a. Margaret.

4. Jean Isabel born 14th November 1879. Married 16th September 1905 Captain Henry Cochrane R.N. and has two daughters:

5. Mary Lucy Ogilvy  
During the War she served as a nurse in the Salonika Force. In 1924 she married Andrew Sievwright.







I   N   D   E   X

I. - INDEX of PERSONS.

- |  |   |
|--|---|
| <p>Abercorn, 1st Earl of, James,<br/>167, 191, 497, 498.</p> <p>Abercorn, 2nd Earl of, James,<br/>191, 336, 499.</p> <p>Abercorn, Dominus de, 381, 572.</p> <p>Abercromby, Sir Robert, 478, 479,<br/>482.</p> <p>Abercromby, Douglas of Kinbroon,<br/>625.</p> <p>Abercromby, Sybil, 625.</p> <p>Aberdeen, Earl of, 285, 591.</p> <p>Aberdeen, Bishop of, 594.</p> <p>Aberdeen, Sheriff of, 595, 619.</p> <p>Aberdeen, Town Council of, 589,<br/>590.</p> <p>Abernethie, William, 291.</p> <p>Abernethy, Jean, daughter of<br/>Alexander 6th Lord Saltoun, 598.</p> <p>Aboyne, Lord, 8.</p> <p>Aboyne, Charles Lord, 607.</p> <p>Aboyne, James Viscount, 604.</p> <p>Aboyne, Lady of,<br/>see Keith, Elizabeth.</p> <p>Abyssinians, 477.</p> <p>Act of Classes, 309.</p> <p>Ada, Countess, 45, 49, 65.</p> <p>Adair, John Geographer for<br/>Scotland, 266.</p> <p>Adair, Elizabeth, 266, 271, 274A.</p> <p>Adam, The Clerk, Son of Gospatrick<br/>Lord of Seton in Derwentward, 38.</p> <p>Adam, steward to Patrick Earl of<br/>Dunbar, 44.</p> | <p>Adam, John, 228.</p> <p>Addinstouns, Family of, 207.</p> <p>Addinstoun, Robert of that Ilk,<br/>207, 261.</p> <p>Addinstoun, Margaret, 207.</p> <p>Advocates, Faculty of, 518.</p> <p>Aelgifu or Elgiva, daughter of<br/>Aethelred II., 32, 41.</p> <p>Aethelred, II., King, 32, 41.</p> <p>Aethelreda, wife of King Duncan<br/>II., 33, 34, 35.</p> <p>Agnes, widow of Alan de Fauside,<br/>52, 61.</p> <p>Agnes, daughter of Patrick, 7th<br/>Earl of Dunbar, 72.</p> <p>Alan, Lord of Allerdale, 35.</p> <p>Alan, the dapifer, 48, 51.</p> <p>Albany, Duke of, Charles, 299.</p> <p>Albany, Duke of, James, 205,<br/>252. (King James II.)</p> <p>Albany, Duke of, John, 132.</p> <p>Albany, Duke of, Murdac, 102,<br/>397.</p> <p>Albany, Duke of, Robert, 102,<br/>105, 107, 108, 115, 117, 119,<br/>361, 375, 377, 379, 380, 390,<br/>394, 397.</p> <p>Albany, Duchess of, (Lady<br/>Charlotte Stuart), 454.</p> <p>Aldercrantz, Baron Carl Gustaf,<br/>584.</p> <p>Alexander, I., King, 30, 39, 57,<br/>58.</p> |
|--|---|

- Alexander, II., King, 51, 52, 59, 289.
- Alexander, III., King, 61, 62, 65, 66, 68, 72, 498.
- Alexander, son of Gospatrick, Lord of Seton in Derwentward, 35, 38, 39, 41.
- Alexander, de Alwardelsia, son of Orm, 33, 34, 36, 38, 39, 41, 42.
- Alice, dau. of Waldevus, Earle of March, 49.
- Alivin, (Alwin) 1st (Celtic) Earl of Lennox, 500.
- Allen, Cardinal, 157.
- Allerdale, Lord of, Alan, 35.
- Alva, Duke of, Ferdinand, 152, 153, 154.
- Alwardelsia, Alexander de, see Alexander de Alwardelsia.
- Amabilis, granddaughter of Uchtred Lord of Galloway, 37, 41.
- Americans, 474.
- American Army, 613.
- Amherst, Lieut. General Sir Jeffrey, 527.
- Andersons, 621.
- Anderson, Seton, 621.
- Anderson, Alexander (Seton) of Mounie, 621, 622, 624.
- Anderson, Charles MacDonnell, 621.
- Anderson, James of Bridgend, 621.
- Anderson, James of Cobbinshaw, 621.
- Anderson, Col. John Cumming, 621.
- Anderson, William Seton, 621.
- Anderson, Margaret, 621.
- Andrew, Thomas, burgess of Cupar, 406.
- Andro, Robin Laird of Litell Tarvet, 435.
- Androutzos, Nicholas, 585.
- Angus, House of, 138.
- Angus, Earl of, 591.
- Angus, 5th Earl of, 139.
- Angus, 6th Earl of, Archibald, 132, 133, 134, 139, 173, 199, 236, 237, 238, 336.
- Angus, Master of, 137, 139.
- Angus, Master of, see Douglas, George.
- Angus, Archibald merchant Edinburgh, 583.
- Angus, Elizabeth, 583.
- Angus, Janet, 239, 253.
- Annabella, Prinoess, 389.
- Annand, John de, 109.
- Annandale, Lord of, 70, 73, 76.
- Annandale, Earl of, (John Murray), 183.
- Anne, Queen, 216.
- Archers, Royal Company of, 567.
- Archers of the Guard, 362.
- Archibald, Mary, 265.
- Argyle, Duke of, 8.
- Argyle, Earl of, 118, 119, 135, 144, 152, 153, 185, 203, 220, 250, 390.
- Argyle, 1st Earl of, Colin, 122, 128, 321.
- Armourbearer, Office of, 127, 434, 436, 437, 439, 442, 443, 448, 449, 452, 453, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 469, 470, 491, 493, 494, 517, 521, 524, 525, 526, 538, 540, 541, 565, 567, 570.
- Armstrong, Lieut. Col. Frank, 568.

- Armstrong, Johnnie of Gilnockie, 132, 568.  
 Armstrong, Elma, 568.  
 Arnot, Andrew George Seton, 569.  
 Arnot, Lieut. Rex, R.N., 569.  
 Arnot, William of Cockburnspath, 329.  
 Arnot, Barbara, 249.  
 Arnot, June Gordon, 569.  
 Arran, 2nd Earl of, James, 15, 132, 135, 136, 140, 142, 159, 166, 167, 173, 238, 414.  
 Arran, Earl of, Thomas, 114.  
 Arrat, John of Fofarty, 345, 346.  
 Assembly, Glasgow, 324.  
 Assembly, General, Commission of, 189, 196.  
 Athanasius, 608.  
 Athole, Earl of, 15, 66, 83, 169.  
     See Strathbolgi, David de,  
 Atholl, John 4th Earl of, 15, 599.  
 Athole, Countess of, 140.  
 Athole, the Witches of, 140.  
 Auchmooty, Sir John of Gosford, 319.  
 Auchmouty, Janet, 247.  
 Avenel, Robert, 498.  
 Avenel, Roger de, 498.  
 Avicia de Lancaster, 39, 41.  
 Ayrshire, Barons of, 99.  
 Aytoun, Sir John of that Ilk, 262.  
 Aytoun, Andrew, 262.  
 Aytoun, Margaret, 262.  
  
 Baillie, Sir William Bt. of Polkemmet, 585.  
 Baillie, Historian of the Covenant, 283, 434.  
 Baillie, John, 429.  
  
 Baillie, Louie, 585.  
 Baillie, Mary, 585.  
 Baillie, - , 585.  
 Balcarres, Colin Earl of, 265, 340.  
 Baldwin, George, 481.  
 Balfour of Burleigh, 251.  
 Balfour, David of Burleigh, 238, 239.  
 Balfour, Michael of Burleigh, 236.  
 Balfour, Michael, Lord, 323.  
 Balfour, Sir James, 29, 194.  
 Balfour, Sir Michael of Denmiln, 250.  
 Balfours of Cariston, 259.  
 Balfour, David of Cariston, 137, 260.  
 Balfour, Mr. James, 336.  
 Balfour's Colonel, Scots Regiment, 248, 368, 369.  
 Balfour, Grissell, 250.  
 Balfour, Isabel, 137, 248, 260, 261, 262.  
 Ballia, Ingeram de, 51.  
 Balliol, Edward, 89, 90, 91, 93, 96.  
 Balliol, John, 4, 5, 66, 67, 68, 69, 72, 73, 89, 358.  
 Balzac, 367.  
 Bannatyne, Robert de, 316.  
 Bannatyne Club, 29.  
 Barclay, Walter de, Chamberlain, 48, 53.  
 Barclay, Jean, 53, 58.  
 Barlow, Sir George, Bt., 534.  
 Baron (Seton) Alexander of Preston and Ekolsund, 582, 583.  
 Baron, Patrick of Preston, 581, 582, 583.

- Barons of Exchequer, 226.  
 Barr, General David, 549.  
 Barrett, Father Michael, 299.  
 Barton, Sir Robert, Comptroller to James V., 352.  
 Barton, William of Bordeaux, 474.  
 Bassenthwaite, Christian de, 77.  
 Baxter, Elizabeth, 242.  
 Beton, Andrew, 170.  
 Beaton, Cardinal David, 130, 133, 135, 137, 165.  
 Beton, James, Archbishop of Glasgow, 170.  
 Beton, John, Master of the Household, 170.  
 Bettone, Robert de, 63.  
 Beaton, Agnes, 250.  
 Betoun, Mary, 168.  
 Beaumont, Henry de, 89.  
 Bede, 498.  
 Bedford, Duke of, 361.  
 Belgians, King of the, 539.  
 Belhaven, John 1st Lord, 336.  
 Belhaven's Horse, 314.  
 Bellenden, Lord, 513.  
 Bellenden, Sir John, 421.  
 Belshes, Major John, 468.  
 Benedictines, 289.  
 Berry, Seneschal of, 361.  
 Berwick, Defender of, 54, 72, 73, 74, 82, 86, 99, 233.  
 Berwick, Governor of, 97, 332.  
 Berwick, Constable of, 84.  
 Berwick, Sheriff of, 392.  
 Berwickshire, Sheriff Substitute of,  
     see Dickson, George.  
 Bethoc, eldest daughter of King Malcolm II., 31, 34.  
 Bevan, Arthur, 613.  
 Biddulp, Sir Theophilus, Bt., 225, 446.  
 Binley, Rector of, 625.  
 Binning, Lord, Sheriff of Edinburgh, 318.  
 Birnam, Bishop of, David, 109.  
 Bishop's War, 8, 183, 185, 186, 195, 308, 324, 434.  
 Black, Alasdair Seton Hamilton, 569.  
 Black, Lieut. Ian Reddie Hamilton, R.N., 569.  
 Black Watch, 579.  
 Blantyre, Lord, 343.  
 Blantyre, 7th Lord, Robert, 344.  
 Blantyre, 8th Lord, Walter, 344.  
 Blantyre, 9th Lord, William, 344.  
 Blantyre, 10th Lord, Alexander, 344, 531.  
 Blantyre, Lady Margaret, 343.  
 Blunt, Sir Charles Richard, Bt. 536, 537.  
 Blunt, Sir Charles William Bt., 537.  
 Blunt, Anna Maria, 537, 548.  
 Blunt, Charlotte, 537.  
 Blunt, Lydia, (Lady Seton), 534, 535, 536, 537, 538, 539, 542, 543, 547, 548.  
 Bog, Colonel, 369.  
 Bohun, Sir Humphrey de, 84.  
 Bombay, Governor of, 255, 477,  
     see Ramsay Karr, Andrew.  
 Bombay, Council of, 478.  
 Bombay Army, 615.  
 Bombay, Native Infantry 6th, 548.  
 Bombay Engineers, 551, 555.  
 Bonar, Alisone of Rossie (Fife) 248.



- Bonnet, Pierre of Paris, 613.  
 Bonnet, Thérèse, 613.  
 Boog, Thomas, brewer, 253.  
 Boog, Jean, 239, 253.  
 Border, Commissioner of, 319.  
 Border, Justiciary of, 318.  
 Bordlandis, baron of, 415.  
 Borg, Colonel, 261.  
 Borthwick, Lord, 145.  
 Borthwick, Thomas Master of, 128.  
 Bosco, William de, 61, 63.  
 Boswell, David of Balmuto, 270.  
 Boswell, Margaret, 270.  
 Bothwells, The, 124.  
 Bothwell, 7.  
 Bothwell, Earl of, 15.  
 Bothwell, 1st Earl of, Patrick,  
 124, 125, 500.  
 Bothwell, 2nd Earl of, Adam, 125.  
 Bothwell, 3rd Earl of, Patrick,  
 125.  
 Bothwell, 4th Earl of, James, 16,  
 125, 135, 145, 147, 148, 149,  
 160, 169.  
 Bothwell, Earl of, Francis, 175,  
 178, 191, 357.  
 Bothwell, Sir John, 360.  
 Bourbon, Count of, 261, 363.  
 Bowes, Sir Robert, 133, 155.  
 Boyd, Lord, 114.  
 Boyd, Lord Robert, 407.  
 Boyd, Sir Alexander, 114.  
 Boyd, Sir Thomas, 112.  
 Boyle, Hon. Robert, 29, 30.  
 Braumerhjem, Count of Haga, 585.  
 Braumerhjem, Hedrig Cecilia, 585.  
 Braxfield, Lord, 465.  
 Braodbent, James, 344.  
 Broadbent, John, 344.  
 Brotherson, Lewis of St, Kitts,  
 457, 487, 489.  
 Brown, Dr. Dyce, 613.  
 Brown, James, Chirurgeon apothecary,  
 Edinburgh, 609.  
 Bruces, The, 26, 28, 68, 69, 79.  
 Bruces, The, of Annandale, 77,  
 80.  
 Bruce, Robert the, 4, 11, 14,  
 42, 54, 61, 68, 69, 72, 73,  
 75, 76, 77, 79, 80, 81, 82,  
 83, 84, 85, 87, 88, 89, 90,  
 94, 96, 99, 101, 109, 176,  
 207, 276, 277, 373, 393, 398.  
 Bruce, Baron, 70.  
 Bruce, Robert, Earl of Carrick,  
 66, 68, 76, 79.  
 Bruce, Robert, Lord of Annandale,  
 66, 73, 75, 76.  
 Bruce, Robert, younger, 70, 72,  
 80, 82.  
 Bruce, Hon. Charles, 536, 537,  
 538, 548.  
 Bruce, Charles, 273.  
 Bruce, David, 23, 89.  
 Bruce, Edward, Commendator of  
 Kinloss, 244, 245.  
 Bruce, Edward, 5, 68, 88.  
 Bruce, Colonel Henry, 502.  
 Bruce, Jonathan of Miltoun  
 Castle, Charleville, 267.  
 Buis, Peter de, 204.  
 Bruce, Rev. Robert, 298.  
 Bruce, Mr., 478.  
 Bruce, Lady Christian, 14, 77,  
 79, 82.  
 Bruce, Lady Mary, 393.  
 Bruce, Frances Evelyn, 267.  
 Bruce, Isobel, daughter of  
 David Earl of Huntingdon, 70.  
 Bruce, Marjorie, daughter of  
 Robert Bruce, 101.  
 Bruning of Dunino, 265.

- Bryante, Seigneur de,  
     see Clovis, Pierre de,  
 Bryante, Madame de, 140.  
     (Mary Seton)  
 Buccleugh, Lord, 136.  
 Buccleuch, Earl of, Francis, 191.  
 Buchan, John, Earl of, 14.  
 Buchan, John, 2nd Earl of, 72,  
     107, 111, 115.  
 Buchan, Earl of, Alexander Comyn,  
     59.  
 Buchan, John, Earl of, (Comyn),  
     69, 95.  
 Buchan, James Stewart, Earl of,  
     360.  
 Buchan, John Stewart, Earl of,  
     361, 362, 380, 394, 397.  
 Buchan, George of Kelloc, 226.  
 Buchan, John of Letham, 226, 227.  
 Buchan, General, 608.  
 Buchan, Thomas Colonel, 339.  
 Buchan, John, 347.  
 Buchan, Countess of, Alicia, 89.  
 Buchan-Hepburn, George, 227, 228.  
 Buchanan, 501, 505.  
 Buchanan, Captain, 523.  
 Buchanan, Charles Esq., 494.  
 Buchanan, George, 135.  
 Buchanan, John, 416, 422.  
 Buchanan, Walter de, 376.  
 Buchanan-Hamilton, John of Leny,  
     272.  
 Burgoyne, Sir John, F.M., 544.  
 Burgundians, The, 361.  
 Burgundy, Duke of, 360.  
 Burleigh, 153, 175.  
 Burleigh, Lord, 177.  
 Burnell, Dr. G. T., Truro, 269.  
 Burnett, Sir Thomas of Leys, Bt.,  
     611.  
 Burnett, Catherine, 611.  
 Bute, Sheriff of,  
     see Edmonstone, John of Newton.  
 Butler, Katherine of Rungavie,  
     234.  
 Byron, Henry James, 554.  
 Byron, Elizabeth (Creda), 554.  
 Cadell, John of Cockenzie, 228.  
 Cairncross, John, 445.  
 Caithness, Bishop of, Andrew,  
     45.  
 Calder, John, 591.  
 Calderwood, 295, 305.  
 Callendar, James 1st Earl of,  
     305, 310.  
 Callendar, Earl of, Alexander,  
     312.  
 Callander, Janet (Helen), 402,  
     414.  
 Cambridge, Duke of, 544.  
 Cambuslang, Prebendary of, 166.  
     (Lord Claud Hamilton)  
 Cameron Highlanders, 354.  
 Cameronians, 202.  
 Campbells, The, 26, 358.  
 Campbell, Peerage, 575.  
 Campbell, Duncan, Dominus de  
     Lochaw, 575.  
 Campbell, Hew of Trinzeane, 316.  
 Campbell, Sir James of Lawers,  
     165.  
 Campbell, James of Dunmore, 585.  
 Campbell, Sir Neil, 87.  
 Campbell, Sir Neil of Lochow,  
     393.  
 Campbell, Lady Marion (or  
     Margaret) 122, 128, 321.  
 Campbell, Helen, 122, 128, 321,  
     621.  
 Campbell, Mary, 585.  
 Cannon, 314.  
 Canongate, Bailies of, 230.

- Cardross, Lord, 517.  
 Carmichael, Maurice of Symington, 355.  
 Carmichael, Elizabeth, 355.  
 Carnwath, 4th Earl of, (James Dalzell), 194, 219.  
 Carnwath, Lord, 221.  
 Carpenter, General, 218.  
 Carrer, Giovanni, Venetian Ambassador in France, 149.  
 Carrick, Earl of, David, 68, 69, 76, 89.  
 Carrick, Earl of, John, 102.  
 Carrick, Earl of, Neill, 80A.  
 Carrick, Earl of,  
     see Bruce, Robert.  
 Carrick, Sir Gilbert de, 81.  
 Cas, Mark, 502.  
 Cassillis, Earl of, John, 180.  
 Cassillis, Lady, 180.  
 Castle, George, 614.  
 Castle, Elizabeth, 614.  
 Cathcart, Colonel, 250.  
 Catholics, 2, 184, 215, 293, 608.  
 Catholic Church, 176, 301.  
 Catholics, Lords, 157, 279.  
 Causier, Captain of Revenue Service, 271.  
 Causier, Lucinda, 271.  
 Cecil, 147, 148, 152, 168, 170.  
 Cecil, Sir Robert, 303.  
 Chalmers of Balbithan, 599.  
 Chambers, George, 600.  
 Chambers, Robert, 453.  
 Channell, Anna, 510.  
 Charlemagne, 358.  
 Charles I., 9, 178, 183, 184, 185, 186, 187, 282, 283, 305, 307, 308, 309, 318, 320, 324, 331, 334, 357, 433, 436, 506, 601, 604, 605.  
 Charles, II., 9, 188, 197, 199, 200, 202, 309, 310, 325, 332, 334, 357, 409, 434, 460, 470, 512, 607.  
 Charles VI., 107.  
 Charles, VII., 380.  
 Charles, IX., King of France, 148, 158.  
 Charles, The Dauphin,  
     see Dauphin, Charles the  
 Charteris, Colonel Francis of Amisfield, 286.  
 Chatelherault, Duke of, 15, 142, 145, 149, 152, 153, 154, 165, 166.  
 Chevalier The, 214, 215, 216, 219.  
 Chevalier de St. George, 439.  
 Chevaliers Cabinet, 224, 225.  
 Cheynes, The, 26.  
 Cheyne of Straloch, 95.  
 Cheyne, John of Straloch, 593.  
 Cheyne, Lady Christian, 92, 95.  
 Christian de Treby, 35, 77, 78.  
 Christiana daughter of Waldene, 35.  
 Christie, Augusta, 268.  
 Chisholm, Sir Edward of Cromlix, 416.  
 Chisholm, Janet, 416, 417.  
 Clackmananshire, Papists in, 424.  
 Clans, Enclave of, 371.  
 Clare, Gilbert de, 5th Earl of Hereford, 80A.  
 Clare, Gilbert de, 3rd Earl of Gloucester, 80A.  
 Clare, Isobel de, 80A.  
 Clarence, Duke of, 361.  
 Clarence, brother of King Henry V., 107.

- Classes, Act of, 309.  
 Claverhouse, 9.  
 Cleghorn, Hugh of Strathivie, 481.  
 Clephane, George of Carslogie, 246.  
 Clerk, Sir John of Penicuik, 494.  
 Clerk, Susan Edith, 494.  
 Clifford, Sir Robert de, 69, 83.  
 Clovis, Pierre de, Seigneur de (Cluise) Bryante, 140.  
 Cobbold, Maud, 621.  
 Cobham, Sir Henry, 279.  
 Cochrane, Captain Henry, 625.  
 Cochrane, Thomas, 119.  
 Cock of the North, 378, 385.  
 Cockburn, Agnes (Lady Touchadam), 416.  
 Cocke, Josias of Trekersby, 267.  
 Cocke, Anne, 267, 274A.  
 College of Justice, Senators of, 211, 295, 338, 506.  
 Colquhoun, Sir John, 406.  
 Colquhoun, Gideon, 491.  
 Colville, 153.  
 Colville, Sir Robert of Ochiltree, 402, 413.  
 Colyear, General, 523.  
 Commissioner for Supply, 437.  
 Commons, House of, 219.  
 Comptroller, (David Seton of Parbroath), 243.  
 Comyns, the, 68.  
 Comyn, The Red, 69, 70.  
 Comyn, Alexander.  
     see Buchan, Earl of.  
 Comyn, Sir Fergus, miles, 63.  
     Lord of Gorgyn (Gorgie).  
 Comyn, Sir John, 84.  
 Comyn, John younger of Badenoch, 69, 76, 80.  
 Comyn, John.  
     see Buchan, Earl of.  
 Comyn, John 2nd Earl of Buchan, 72.  
 Comyn, Walter, 65, 66.  
 Conde, 199.  
 Confederate Lords, 169.  
 Congalton, Edward, of that Ilk, 112.  
 Congregation, Lords of, 7, 144, 145, 146, 162, 289.  
 Connasus, 301.  
 Connaught Rangers, 369.  
 Convention of Estates, 175, 329, 435.  
 Coote, Frances, 612.  
 Coote, Captain George, 612.  
 Coote, William, 612.  
 Cope, General Sir John, 456, 472.  
 Copeland, Alan of, 37, 41, 56.  
 Corbet, Family of, in Makkerstoun, 49.  
 Corbet, Matilda, 49, 51, 55.  
 Cordale, Admiral, R.N., 268.  
 Cordale, Evelyn, 268.  
 Cordell, Sir William, 164.  
 Cornnell, Rebecca, 420.  
 Cornwalls of Bonhard, 499, 511.  
 Cornwall, James of Bonhard, 514, 515.  
 Cornwall, John, 509.  
 Cornwall, Thomas de, 86.  
 Cornwall, Walter of Bonhard, 509, 510.  
 Cornwall, Janet, 501, 509.  
 Cornwallis, Lord, 256, 478, 479, 480, 481, 482, 486.  
 Corsbie, Mrs., 222.  
 Cotter, Sir Laurence Bt., 267.  
 Cotter, Dr. Nelson, 267.



- Cotter, Isabella, 267, 274A.  
 Coulommiers en Brie, Seigneur, 363.  
 Courcelles, de, French Ambassador, 171.  
 Covenant, National, 8, 184, 186, 308, 324.  
 Covenant, Army of the, 195, 245.  
 Covenant, Solemn League and, 184, 186, 324, 332.  
 Covenant, Wars of, 385.  
 Covenanters, (Fife), 8, 185, 186, 194, 195, 200, 201, 202, 264, 308, 309, 332, 604, 605, 606.  
 Cowan, A., 268.  
 Cowper, Lady, 222.  
 Cox, Richard in Dublin, 266.  
 Cox, Miss, 544.  
 Cox, Margaret, 266, 274A.  
 Craig of Dalnair, 356.  
 Craig, Anne, 352.  
 Craigengelt, David, 263.  
 Craigiehall, Lord, 334.  
 Cranston, Lord, 431.  
 Cranstoun of Morestoun, 430.  
 Cranston, Sir William, 425, 430, 431.  
 Cranston, Barbara, 430, 431, 432, 433.  
 Cranston, Elizabeth, Lady Touch, 431.  
 Crawford family, 384.  
 Crawford, Earl of, 383, 385.  
 Crawford, Earl of, Alexander, 114, 588.  
 Crawford, Earl of, David, 360.  
 Crawford, Earl of, John, 270.  
 Crawford, David 11th Earl of, 599.  
 Crawford, 16th Earl of, William, 312.  
 Crawford, Master of, 384.  
 Crawford, John of Lochquoit, 510.  
 Crawford, Anne, 510.  
 Crichton, Lord, 17.  
 Crichton, Lord, William, 116.  
 Crichton, 3rd Lord, William, 240.  
 Crichton, Chancellor, 17, 384, 387, 404, 574.  
 Crichton, Sir William, 113, 114, 387, 404.  
 Crichton, James of Frendraught, 600.  
 Crichton, James, 164, 597.  
 Crichton, Patrick, 352.  
 Crichton, Anna, 600.  
 Crichton, Elizabeth, 17, 383, 387, 388, 395, 396, 404, 405, 573, 576.  
 Creichtoune, Katherine de, 236.  
 Crichton, Margaret, 240.  
 Crinan the Thane, 31, 34.  
 Cromwell, 9, 187, 188, 197, 198, 199, 325, 332, 333, 434.  
 Cromwell, Richard, 197.  
 Cromwell's Troopers, 263, 333.  
 Crosnier's Mons: Fencing School, 580.  
 Cumberland, Duke of, 286, 619.  
 Cumbria, King of, Malcolm or Maldred, 32.  
 Cumbria, Earl of, 39.  
 Cumming, William, grit justice, 59, 60.  
 Cumings, Eva, 269.  
 Cumming, Margaret, 59.  
 Cuningesburgh, Sir William de, 398.  
 Cuningham, Robert, Lord Kilmaurs, 118.  
 Cupar, Mealmakers of, 435.  
 Cust, Cockayne, Henry, Hon. & Rev., 256.  
 Cust, Eleanor, 256.

- Dalgains, Margaret, 621.  
 Dalkeith, Dominus de, 381, 572.  
 Dalkeith, Lord of,  
     see Douglas, James.  
 Dalrymple, Sir David (Lord Hailes)  
     209, 337, 338.  
 Dalyell, Sir Thomas, 201.  
 Dalyell's Horse, 265.  
 Darling, Lord, 574.  
 Darnley, 7.  
 Darnley, Lord, Henry, 112, 139,  
     140, 147, 148, 156, 160, 169,  
     174, 241.  
 Dauphin, The, 143, 358.  
 Dauphin, The, Charles, 111, 112,  
     361.  
 David I King, 11, 26, 27, 30, 38,  
     39, 43, 44, 45, 49, 54, 62,  
     290, 292, 498.  
 David II, King, 17, 28, 89, 93,  
     101, 102, 232, 233, 254, 373,  
     398, 400.  
 David, brother of King William  
     the Lion, 48.  
 David, son of King Robert III,  
     102.  
 Dawick, minister of, 196.  
 Debbieg, Captain Hugh, 522.  
 Debbieg, Colonel, 526, 531.  
 De Grey, Lord (Marquess of Ripon)  
     543, 544.  
 Denmark, King of, 366.  
 Derby, Earl of, William de  
     Ferriers, 59.  
 Devizes, Recorder of, 257.  
     (see Robert George Seton-Karr)  
 Dick-Lauder of Fountainhall and  
     Grange, 610.  
 Dick, Sir Alexander, 224.  
 Dick-Lauder, Sir Andrew, 610.  
 Dick, Isobel of Grange, 610.  
 Dickson, Frances, 268.  
 Dickson, George, Sheriff Sub-  
     stitute of Berwickshire, 268.  
 Dickson, Thomas Goldie, C.A.,  
     268.  
 Dickson, Walter, advocate, 268.  
 Dirleton, Dominus de, 381, 572.  
 Doge The, 300.  
 Dolfen, son of Gospatrick, 33,  
     34, 35.  
 Don, Sir George, Governor of  
     Gibraltar, 286.  
 Don, John of Edinburgh, 286.  
 Donald Ban, King of Scots, 32,  
     34.  
 Donald of the Isles, 380.  
 Donald, Clan, 302.  
 Donegal, 59.  
 Douglasses, 15, 28.  
 Douglas, Family of, 238, 384,  
     498.  
 Douglas, House of, 104, 113.  
 Douglas' Regiment, 335, 366.  
 Douglas, Young, 149.  
 Douglas, Earl of, Archibald,  
     103, 104, 108, 109, 115,  
     234, 360, 361, 362, 384, 498.  
 Douglas, 2nd Earl of, James,  
     103, 111.  
 Douglas, 6th Earl of, William,  
     113.  
 Douglas, 8th Earl of, William,  
     114.  
 Douglas, James, 3rd Lord Mor-  
     dington, 335.  
 Douglas, Lord James, 366.  
 Douglas, James, Lord of Dal-  
     keith, 374.  
 Douglas, George, Master of  
     Angus, 139.

- Douglas, Hugh of Borg in Galloway, 116, 138, 163.  
 Douglas, Sir Robert of Glenbervie, 29.  
 Douglas, Archibald of Glenfinnart, 257.  
 Douglas, Sir William of Liddesdale, 83, 97, 233.  
 Douglas of Whittinghame, 341.  
 Douglas, Sir Archibald of Whittinghame, 335, 531.  
 Douglas, Sir Archibald, 90, 91.  
 Douglas, Sir George, 133, 418.  
 Douglas, Sir William, 67, 361.  
 Douglas, Archibald, parson of Glasgow, 174.  
 Douglas, David, 113.  
 Douglas, Francis, son of Hugh Douglas of Borg, 138, 163, 248, 420.  
 Douglas, James, 295.  
 Douglas, Lady Margaret, 336.  
 Douglas, Lady Mary, 311.  
 Douglas, Agnes, 374.  
 Douglas, Anne, 257.  
 Douglas, Elizabeth daughter of Archibald Earl of Douglas, 115.  
 Douglas, Elizabeth daughter of Master of Angus, 137, 139.  
 Douglas, Elizabeth, 335, 337, 341, 531.  
 Douglas, Janet, 124, 125.  
 Douglas, Marjorie, daughter of Archibald Earl of Douglas, 103.  
 Douglas, Margaret daughter of Archibald Earl of Angus, 139.  
 Dove-Wilson Tomb, 508.  
 Dovenald, 59.  
 Drummond, Lord Patrick 3rd, 304.  
 Drummond, Sir John, 322.  
 Drummond, of Balhaldie, 314.  
 Drummond of Corskelpy, Family of, 328.  
 Drummond, Lady Jean, 178.  
 Drummond, Agnes of Corskelpy, 178, 328.  
 Drummond, Agnes, 15, 322.  
 Drummond, Lillias, daughter of Patrick 3rd Lord Drummond, 304.  
 Drury, Sir William, 154.  
 Dumbarton's Regiment, 367.  
 Dumfries, 1st Earl of, William, 431.  
 Dunbar, Earls of, 33, 36, 39, 106, 373.  
 Dunbar, Earl, Gospatrick, 37, 39.  
 Dunbar, Earl of, Patrick, 44, 60, 71, 72.  
 Dunbar, 7th Earl of, 72.  
 Dunbar, 9th Earl of, Patrick, 91.  
 Dunbar, 10th Earl of, George, 100, 103, 104, 111.  
 Dunbar, 11th Earl of, George, 106, 111, 303.  
 Dunbar, Family of, 31, 32.  
 Dunbar, John de, (Earl of Moray), 20.  
 Dunbar, Patrick of, 60, 71.  
 Dunbar, George son of George Earl of Dunbar, 106.  
 Dunbar, Archbishop of Glasgow, 145.  
 Dunbar, Dean of, 166.  
     see Hamilton, Lord Claud.  
 Dunbar, Elizabeth, Countess of Moray, 16, 389, 390.  
 Dunbar, Janet, 111.  
 Duncan I, King, 31, 32, 34.  
 Duncan II, King, 33, 34.

- Dundas of that Ilk, 155.  
 Dundas, George of that Ilk, 515, 516.  
 Dundas, Walter of that Ilk, 516.  
 Dundas, Sir James of Arniston, 205.  
 Dundas, Alexander, 582.  
 Dundas, Mr., 467, 468.  
 Dundas, David Sheriff Depute of Linlithgow, 425, 505.  
 Dundas, James of, 109, 514.  
 Dundas, Patrick, 582.  
 Dundas, Robert, 582.  
 Dundas, Anna, 516.  
 Dundas, Barbara, 516.  
 Dundas, Christian, 515, 516.  
 Dundas, Mary, 516.  
 Dundee, Viscount, 313, 314.  
 Dundee, Randolph of, 76.  
 Dundonald, Lord, 205.  
 Dunedin, Lord, 572, 574, 575, 576, 577.  
 Dunfermline Lord, 285, 286, 303, 304, 305, 306, 308, 309, 310, 323.  
 Dunfermline, Earls of, Seton, 289, 309, 314, 315, 568.  
 Dunfermline, Alexander 1st Earl of, 161, 166, 183, 188, 217, 262, 263, 280, 289, 290, 292, 293, 294, 295, 296, 297, 300, 301, 304, 310, 311, 328, 431, 505, 588, 596, 600.  
 Dunfermline, 2nd Earl of, Charles, 188, 264, 307, 308, 310, 311, 325.  
 Dunfermline, 3rd Earl of, Alexander, 312, 313, 328.  
 Dunfermline, 4th Earl of, James, 9, 285, 291, 292, 312, 313, 314, 315, 323.  
 Dunfermline, Countess of, 285, 305.  
 Dunfermline, Lady.  
     see Leslie, Grizel.  
 Durham, Dean of, 175.  
 Durham, Under Sheriff of.  
     see Neale, Sir Richard.  
 Durward, Alan, the Justiciar, 65.  
 Dutch The, 606.  
 Dutch Army, 528.  
 Ealdgith or Algitha, 32, 34.  
 East Lothian, Sheriff of, 202.  
 East Lothian Militia, 201, 220.  
 East March, Warden of, 373.  
 Eccles, Dr. James, 520.  
 Eccles, Dr. William, 520.  
 Ecossais, les Gendarmes, 362, 363.  
 Edgar, the Etheling, 32.  
 Edinburgh Counte de, 86.  
 Edinburghshire, Barons of, 99.  
 Edinburghshire, Sheriff of, 124, 318.  
 Edinburgh Castle, Custodian of, (E. Bothwell), 124.  
 Edinburgh Castle, Governor of, (Lord Seton), 134.  
 Edinburgh, Lord Provost of, (Lord Seton), 143.  
 Edinburgh, Provost and Bailies of, 107.  
 Edinburgh, Commissary Clerk of, 517.  
 Edinburgh University, 353.  
 Edinburgh, Preaching Friars of, 116.  
 Edinburgh, Blackfriars of, place of, 117.  
 Edmonstones, the, 65.



- Edmonstone, John of that Ilk,  
425, 504.
- Edmonstone, Sheriff of Bute, John  
of Newton, 532.
- Edmonston, Patrick of Newton, 440.
- Edmonstone, Eline or Jean, 425,  
426, 504.
- Edward, King, 1st, 4, 66, 67, 68,  
69, 70, 71, 72, 73, 76, 77, 78,  
79, 80, 82, 84, 85, 86, 87, 88,  
90, 99, 373, 392, 397, 398.
- Edward, King, II, 87, 90, 373.
- Edward, King, III, 89, 90, 91, 92,  
93.
- Edward, King, IV, 114.
- Edward, son of Henry VIII, 133,  
418.
- Edwards, Arthur, 625.
- Edwards, Winifred, 625.
- Eglintons, 3, 9, 10, 128, 326.
- Eglintons, House of, 326.
- Eglinton, Arms of, 327.
- Eglinton, Earl of, 8, 9, 282,  
518.
- Eglinton, 1st Earl of, Hugh, 128,  
321.
- Eglinton, Hugh, 2nd Earl of, 128,  
177, 321.
- Eglinton, Hugh, 3rd Earl of, 15,  
16, 172, 177, 321.
- Eglinton, Hugh, 4th Earl of, 321,  
322.
- Eglinton, Hugh, 5th Earl of, 321,  
322.
- Eglinton, Alexander, 6th Earl of,  
178, 181, 182, 190, 207, 231,  
321, 322, 323, 324, 325, 327.
- Eglinton, Hugh, 7th Earl of, 8,  
206, 207, 210, 321.
- Eglinton, Archibald William, 13th  
Earl, 230, 231, 326.
- Eglinton and Winton, Earl of,  
327, 343, 347.
- Egypt, Pasha of, 478.
- Elcho, Lord, 223.
- Eldred of Workington, 36, 41.
- Elector Palatine, 365.
- Elgin, Earl of, 536, 548.
- Elgiva, daughter of King  
Ethelred, 36, 41.
- Elizabeth, Queen, 101, 148,  
151, 153, 155, 157, 159, 160,  
173, 175, 363.
- Elizabeth, daughter of George  
10th Earl of Dunbar, 103.
- Elphinston, 185.
- Elphinstone, Lord, Alexander,  
401.
- Elphinstone, Hon. Mountstuart,  
549, 551.
- Elphinstone, Sir Michael  
(Master of the Household),  
243.
- Elphinstone, Alexander, 401.
- Elphinstone, John, 551.
- Elphinstone, William, 401, 403.
- Elphinstone, Elizabeth, 417.
- Elphinstone, Jane, 551.
- Engagement, The, 309, 325.
- Engelhart, Capt. John, 584.
- England, King of, 4, 32.
- "England, Newes from, 1639",  
434.
- English, The, 189, 190, 197,  
238, 361, 373, 374, 401.
- English Actresses, 472.
- English Army, 6, 127, 132, 133,  
187, 199, 218, 434, 474.
- English Navy, 474.
- English, The, Crown, 157, 175,  
179, 298, 299, 428.
- English, The, Court, 104, 278.

- English Parliament, 130, 186, 314, 324.  
 English Papists, 162.  
 English Parliamentary party, 309.  
 English party, 2, 133, 142.  
 Enzie, Earl of, Captain of the Guard, 365.  
 Episcopacy, 183, 184, 186, 200, 301, 308.  
 Episcopal Church, 624.  
 Episcopalianism, 2, 215.  
 Erminia daughter of Christian de Treby, 35.  
 Errol, Earls of, 16, 602.  
 Erroll, Earl of, 172, 604.  
 Erroll, 9th Earl of, Francis, Constable of Scotland, 192, 199, 284.  
 Erroll, Earl of, Nicholas, 389.  
 Erskine, Lord, 168.  
 Erskine, Dominus de, 381, 572.  
 Erskine, Lord, John, 424.  
 Erskine, 2nd Lord Thomas, 410.  
 Erskine, 4th Lord, John, 399, 415.  
 Erskine, 5th Lord, John, 420, 428.  
 Erskine, 6th Lord, 420.  
 Erskine, Sir James of Craig, 399, 428, 429.  
 Erskine, John of Carnock, 517.  
 Erskine, Thomas of Pittodrie, 599.  
 Erskine, Mr. David, 465.  
 Erskine, Elizabeth, 410, 420, 422, 423.  
 Erskine, Margaret, 424.  
 Erskine, Mary, 454.  
 Estates, Committee of, 196.  
 Ethelred, King, 36, 41.  
 Europe, Monarchs of, 132.  
 Evans, Captain, 287.  
 Exchequer, Commissioners of, 298.  
 Exchequer, Barons of, 226.  
 Eylesford, William of, 93.  
 Fairlie of Braid, 319.  
 Fall, Captain, 285.  
 Fane, General, 543.  
 Fauside, Alan de, 52, 61.  
 Fentoun, Viscount, 304.  
 Fenwick, Sir John, 357.  
 Ferdinand of Aragon, 126.  
 Ferdinand, Duke of Alva, 152.  
     see Alva, Duke of.  
 Fergus, Lord of Galloway, 35.  
 Ferreirs, William de, 59, 61, 95.  
     (see Derby, Earl of,)  
 Ferrerius, John, 396.  
 Fettercairn, Parson of, (David Seton), 235.  
 Fife, Earl of, Murdach, 412.  
 Fife, Earl of, Duncan, justiciar, 48, 49, 72.  
 Fife Regiment, 309.  
 Findlater, Rev. John, 287.  
 Findlater, Margaret, 287.  
 Fitzgerald, Col. James, 269.  
 Fitzgerald, Ethelreda, 269.  
 Flandrensis, Thomas de Seton, 56.  
 Flandrensis, Thomas, 56.  
 Flemings, 26, 42, 43, 120.  
 Fleming, Lord, 114, 119, 150.  
 Fleming, 6th Lord, John, 283.  
 Fleming, Sir David of Biggar, 105, 379.  
 Fleming, Thomas, 56.  
 Fleming, Walter the, of Wahull, 36.  
 Fleming, Walter the, 65.  
 Fleming, Lady, 168.  
 Fleming, Lady Anne, 283.

- Fleming, Janet daughter of David  
     Fleming of Biggar, 105, 379.  
 Fleming, Jean, 180.  
 Fleming, Mary, 140, 168.  
 Fletcher, Sir George, 335.  
 Fletcher, Jean, 335.  
 Fontevay, 159.  
 Forbes, Family of, 590.  
 Forbes, Lord, 591.  
 Forbes, 7th Lord, William, 281.  
 Forbes, 8th Lord, John, 421.  
 Forbes, 10th Lord, Arthur, 421.  
 Forbes, John Master of, 590, 591.  
 Forbes, Sir William Bt., 467, 468,  
     487.  
 Forbes, William of Towie, 589.  
 Forbes, Alexander alias Sprangar,  
     590.  
 Forbes, Duncan, 591.  
 Forbes, Ninian, 591.  
 Forbes, Rev. - , 611.  
 Forbes, Anna, 281.  
 Forbin, Admiral, 440.  
 Forester, bailie of Edinburgh,  
     144.  
 Forfar, John, 421.  
 Forfar and Kincardine Artillery  
     Militia, 624.  
 Forfeited Estates, Commissioners  
     of, 222, 226.  
 Forrest, Ada, (Forrester, Adam),  
     45.  
 Forester, Bailie of Edinburgh,  
     144.  
 Forrester, Elizabeth, 429.  
 Forsyth, James of Glengorm, 267.  
 Forsyth, Amy, 267, 274A.  
 Foulis, Sir John, of Ravelston,  
     515, 516.  
 Fountainhall, Lord (Lauder), 19,  
     610.  
 Fox-Davies, Mr. C., 566.  
 France, King of, 132, 146, 363.  
 France, Court of, 214.  
 France, Constable of, 361.  
 Frankland, Major Arthur Pelham,  
     553.  
 Frankland, Marion Annie Mar-  
     garet, 554.  
 Frankland, Rosalind Lucy Seton,  
     554.  
 Frasers, The, 358, 378, 392,  
     396.  
 Fraser, Arms of, 341.  
 Fraser's Highlanders, (78th),  
     523, 524.  
 Frasers of Belladrum, 568.  
 Fraser, Sir Simon of Oliver-  
     castle, 397.  
 Fraser, Sir Alexander of Phil-  
     orth, 291.  
 Fraser, Michael of Stainywod,  
     598.  
 Fraser, Alexander of Strichen,  
     619.  
 Fraser, Sir Alexander, 374, 393.  
 Fraser, Sir Andrew, 392.  
 Fraser, Sir Bernard, 392.  
 Fraser, Sir Gilbert, 392.  
 Fraser, Sir Richard, 392.  
 Frazer, George, 519.  
 Fraser, John, 393.  
 Fraser, William, 393.  
 Fraser, Anne, of Aldourie, 353.  
 Fraser, Christian, 598.  
 Fraser, Margaret, 374, 375,  
     377, 386, 393, 394, 397, 571.  
 Fraser-Tytlers, the, 127, 352.  
 Fraser-Tytler, Arms of, 356.  
 Fraser-Tytler of Aldourie, 351.  
 Fraser-Tytler, Lieut. Col. Ed-  
     ward Grant, of Aldourie, 354,  
     356.

- Fraser-Tytler, Neil, Lieut.-Col. of Aldourie, 354, 355.
- Fraser-Tytler, Capt. William of Aldourie and Balnain, 354.
- Fraser-Tytler, William of Aldourie and Balnain, 353, 354, 356.
- Fraser-Tytler of Woodhouselee, 351.
- Fraser-Tytler, Alexander, Lord Woodhouselee, 353.
- Fraser-Tytler, James of Woodhouselee, 353.
- Fraser-Tytler, James Stuart of Woodhouselee, 354, 355, 356.
- Fraser-Tytler, James William of Woodhouselee, 354.
- Fraser-Tytler, Charles Edward, 353, 354, 355.
- Fraser-Tytler, Charles William, 354.
- Fraser-Tytler, Major General James, 354.
- Fraser-Tytler, Major James Francis, 355, 356.
- Fraser-Tytler, Capt. Patrick Seton, 355.
- Fraser-Tytler, Capt. William Kerr, 355.
- Fraser-Tytler, William Theodore, 354.
- Fraser-Tytler, William, 353.
- Fraser-Tytler, Ann, 355.
- Fraser-Tytler, Christian widow of James William Fraser-Tytler of Woodhouselea, 354.
- Frederick IV, Elector Palatine, 365.
- French, the, 215, 271, 287, 523.
- French Ambassador, 279.
- French, King The, (Henry III), 158, 362.
- French Genad'armes Ecossais, 249, 362, 364.
- French Army, 146, 199, 319, 362.
- Friars Black, 144.
- Friars Grey, 144.
- Friedlander Dr., 543.
- Fyvie, Lord Alexander Seton, 249, 291, 297, 298, 299, 300, 301, 303, 305.
- Fyvie, Lord Charles, 305 (2), 306, 311.
- Fyvie, Dominus de, see Meldrum, Alexander.
- Galbard, Gillescop, 500.
- Galbraiths, The, 500.
- Galbraith, James, 426, 500, 504.
- Galbraith, Robert of Culcreuch, 426, 500, 501, 505.
- Galbraith, Thomas of Culcreuch, 500.
- Galbraith, Jean, 507.
- Galloway, Lords of, 37, 39, 44.
- Galloway, Lord of, see Fergus.
- Galloway, Lord of, Roland, 35, 36, 37, 38, 41, 44.
- Galloway, Lord of, Uchtred, 37, 41.
- Galloway, Lady Eva of, 59.
- Galloway, Helen of, 30, 41.
- Gardner, Colonel, 328.
- Garnett, Eric, 553.
- Garnett, Henry of Green Park, Co. Meath, 269.
- Garnett, Jane, 269.
- George I., 215.
- George II., King, 619.
- George, King III., 464, 525.



- George IV., King, 468, 539.  
 George V., King, 469.  
 German Dukes, 472.  
 Gibraltar, Governor of,  
     see Don, Sir George.  
 Gibson, Sir Alexander of Pentland,  
     619.  
 Gibson, Anne, 619.  
 Gifford of Yester, Arms of, 341.  
 Gifford, Hewgh, (Lord Easter),  
     61, 64.  
 Giffard, Hugo, 49.  
 Giffard, Janet daughter of Heugo  
     Lord Yester, 61, 64.  
 Gifford, Margaret daughter of  
     Hewgh Gifford (Lord Easter), 61.  
 Gilbert de Lancaster, 36, 41.  
 Gilbert son of Gospatrick, Lord  
     of Seton in Derwentward. 38, 41.  
 Gilbert, Michael, 165.  
 Gilchrist, Dougal in Rothesay,  
     254.  
 Gilchrist, Helen, 254.  
 Gillemor son of Gilliconnel, 44.  
 Gilliconnel, 44.  
 Glamis, Lord John, 238.  
 Glamis, Lady, 238.  
 Glasgow, Archbishop of, 141, 155,  
     156, 170.  
 Glasgow, Archbishop of,  
     see James Beton.  
     see Dunbar.  
 Glasgow, Bishop of, 115, 158.  
 Glasgow, Canon of, (Lord Claud  
     Hamilton), 166.  
 Glasgow, Assembly, 185, 301.  
 Glassell, John, 228.  
 Glencairn, Earl of, 144.  
 Glencairn, 3rd Earl of, William,  
     418.  
 Glencairn, Earl of, James, 6th,  
     181, 182, 198, 322.  
 Gloucester, 3rd Earl of,  
     see Clare, Gilbert de.  
 Gordons, 3, 7, 8, 9, 10, 11,  
     107, 127, 215, 358, 360, 363,  
     367, 368, 369, 371, 372, 377,  
     385, 396, 587.  
 Gordon, Seton, 389, 533, 569.  
 Gordon, Peerage of, 391, 537,  
     541, 569, 570, 577.  
 Gordon, Duke of, 10, 285, 313,  
     343.  
 Gordon, 2nd Duke of, 10.  
 Gordon, George, Duke of, 315.  
 Gordon, Marquis de, 365.  
 Gordon, Lord, 6, 363, 365, 374,  
     382, 383, 384, 386, 391, 398,  
     527, 572.  
 Gordon, Dominus de, 379, 381,  
     382, 572, 575.  
 Gordon, 2nd Lord Alexander,  
     395, 397, 404.  
 Gordon, George, Lord, 9, 387,  
     398, 405, 406, 407, 432, 576,  
     604.  
 Gordon, Lord Alexander, 16, 17.  
 Gordon, Lord, Lewis, 11.  
 Gordon, Master of, 391, 405,  
     574.  
 Gordon, Sir Adam, of that Ilk,  
     105.  
 Gordon, Sir Adam, of Huntly,  
     375, 386.  
 Gordon, Sir Robert, 390, 396,  
     600.  
 Gordon, George de, 365, 385,  
     389, 576.  
 Gordon of Arrandale, 594, 602.  
 Gordon of Auchmenzie, 594.

- Gordon, Patrick of Haddo, 591.  
 Gordon, James of Letterfourie, 127.  
 Gordon, Sir Robert of Lochinvar, 283.  
 Gordon, John of Lungar, 411.  
 Gordon, William of Terpersie, 593, 594.  
 Gordon, Maitre, Canon of Marmon-tiers, 367.  
 Gordon, Adam, 7, 597.  
 Gordon, Alexander, Homme d'armes, 365.  
 Gordon, Alexander, 390.  
 Gourdon, Alexander, archer, 364.  
 Gourdon, Andre, Homme d'armes, 364.  
 Gourdon, Andro, archer, 364.  
 Gordon, Bernard, 367.  
 Gourdon, Guillebert, archer, 364.  
 Gordon, James, Homme d'armes, 365.  
 Gourdon, Jehan, archer, 364.  
 Gordon, John, 7, 365, 373.  
 Gordon, Patrick, Marechal des Logis, 365.  
 Gordon, Pierre, ecuyer, 364.  
 Gourdon, Richard, archer, 364.  
 Gourdon, Robert, archer, 364.  
 Gourdon, Scandt, archer, 364.  
 Gourdon, Thomas, archer, 364.  
 Gordon, William, brother to Earl Huntly, 367.  
 Gourdon, Guillaume, 364.  
 Gordon, William, 594.  
 Gordon Highlanders, 256, 616.  
 Gordon, Horse, 313.  
 Gordon, Heiress of, 371, 571.  
 Gordon, Agnes, 591.  
 Gordon, Janet, 593, 594, 597.  
 Gordon, Elizabeth, Lady, 15, 16, 571.  
 Gordon, Elizabeth de, 371, 377, 378, 379, 382, 386, 394, 397, 407, 588.  
 Gordon, Elizabeth, 105, 374, 375.  
 Gordon, Lady Henrietta, 172, 189, 194, 195, 196, 198, 332.  
 Gordon, Lady Isabel, 16.  
 Gordon, Jean, Lady, 125, 315.  
 Gordon, Jean, 16.  
 Gordon, Margaret, Lady, 125.  
 Gordon, Margaret, 15, 16.  
 Gospatrick, Earl of Dunbar, 33, 34, 35, 39, 43, 44.  
 Gospatrick, Lord of Seton in Derwentward, 37, 38, 39, 41, 43.  
 Gospatrick of Bassenthwaite and Bolton, 35, 77.  
 Gospatrick of Inverkeithing and Dalmeny, 35.  
 Gospatrick, son of Maldred, (Earl of Northumberland), 32, 33, 34, 35, 36, 37, 40, 54.  
 Gospatrick son of Orm, 34, 54.  
 Gourevitch, Cheba of Smolensk, 554.  
 Gowrie, Earl of, 157, 158.  
 Graham, 302.  
 Graham of Claverhouse, 202.  
 Graham, Alexander of Wallastoun, 128.  
 Graeme, Lieut. Col. Charles, 585.  
 Graham, Sir Henry de, of Dal-keith, 498.  
 Graeme, James of Garvock, 585.  
 Graeme, Robert of Wellhall, 584.  
 Grahame, Matilda, 416.  
 Graham, Sybilla, 498.  
 Grand Prior, 169.

- Grange, Lord, 224.  
 Grants, The, 26, 358.  
 Grant of Burdsyards or Sanquhar, 356.  
 Grant, George of Sanquhar, (Morayshire), 353.  
 Grant, James, merchant, 253.  
 Grant, Agnes, 253.  
 Grant, Margaret, 353, 356.  
 Grays, The, 26, 127, 358.  
 Gray, Inventory, 244.  
 Gray, Lord, 242.  
 Gray, Lord, Andrew, 110.  
 Gray, 4th Lord, Patrick, 242, 244.  
 Gray, Sir Andrew, 365, 366.  
 Gray, Patrick of Invergowry, 245.  
 Gray, Patrick, 21.  
 Gray, Elizabeth, 415.  
 Gray, Mariota, 349.  
 Gray, Mary, daughter of Patrick, 4th Lord Gray, 239, 244.  
 Gray, - , 127, 352.  
 "Greysteel", (Sir Alexander Seton), 324.  
 Guard, Captain of the, see Enzie, Earl of,  
 Gueldres, Mary of, 113.  
 Guise, Duke of, 133.  
 Gunild, daughter of Alan of Copeland, 37, 41, 56.  
 Gunilda, wife of Uchtred son of Fergus Lord of Galloway, 35, 36.  
 Gunnilda, daughter of Gospatrick, 1st Earl of Dunbar, 33, 34, 35, 36, 37, 39, 40, 41, 43, 44.  
 Gurkha Rifles, 9th, 625.  
 Gustavus, Adolphus, 11, 586.  
 Gustaf, III, King of Sweden, 582, 583.  
 Gustaf, IV, 584.  
 Guthrie, Alexander, Common Clerk of Edinburgh, 143.  
 Haddington, Earl of, Thomas, 342.  
 Haddington, Provost of, 317.  
 Haddington, Monastery of, 318.  
 Haddington, Friars of, 93.  
 Haddington, Presbytery Records of, 176, 179.  
 Haddingtonshire, Sheriff Principal of, 317.  
 Haga, Count of. see Braumerhjem.  
 Hale, Sir Edward's Regiment, 357.  
 Halyburton, Lord, John, 112.  
 Haliburton, Sir Thomas of Dirleton, 96.  
 Haliburton, Walter, of Dirleton, 105, 375.  
 Haliburton, Sir Walter, 376.  
 Haliburton, Jean daughter of Sir Thomas Haliburton of Dirleton, 96, 97.  
 Halket, Sir Walter, 76.  
 Halkett, Regiment of, 368.  
 Hamiltons, 15, 142, 149, 165, 166, 242, 317.  
 Hamiltons, Family of, 165, 317.  
 Hamilton, Arms of, 315.  
 Hamilton, Duke of, 187, 325, 455.  
 Hamilton, Marquis of, 195.  
 Hamilton, Lord, 167.  
 Hamilton, Lord Claud, 16, 154, 156, 166, 497, 498.  
 Hamilton, Lord Claud. see Cambuslang, Prebendary of.  
 Hamilton, James, Lord, 15, 414, 497, 498.

- Hamilton, Sir William of Sorn and Sanquhar, (High Treasurer and Lord of Council), 142, 165.  
 Hamilton, James, Archbishop of St. Andrews, 165.  
 Hameltoun, William de, Chancellor, 80.  
 Hamilton, Patrick of Livingston, 431.  
 Hamilton, William of Maknariston, 316.  
 Hamilton, of Muirhouse, 178.  
 Hamilton, John, of Muirhouse, 328.  
 Hamilton of Pencaitland, 228.  
 Hamiltons of Preston, 179.  
 Hamilton, James of Samuelstone, 241.  
 Hamilton, General Richard, C.B., 544.  
 Hamilton, Colonel, 333.  
 Hamilton, George, 179.  
 Hamilton, John, 166.  
 Hamilton, Patrick, 130.  
 Hamilton-Ogilvy, Mrs. Nisbet of Belhaven, 228.  
 Hamilton, Elizabeth, 336.  
 Hamilton, Helen, (Lady Seton), 544, 546, 566.  
 Hamilton, Isabel, daughter of Sir William Hamilton of Sorn, 142, (Lady Seton), 151, 165, 166, 172, 293.  
 Hannay, James, 351.  
 Hanoverian, King, 216.  
 Hardinge, Lord, 564, 578.  
 Hartfell, Earl of, James Johnstone, 605, 606.  
 Hartlepool, Geoffrey of, 83.  
 Havelock, Sir Henry, 614.  
 Hawkey, Lieutenant, R.M., 287.  
 Hays, The, 26, 336, 358.  
 Hays, Arms of, 341.  
 Hay, House of, 225.  
 Hay, John, Lord, of Yester, 136, 137, 139, 305, 413.  
 Hay, John, 3rd Lord of Yester, 137, 139, 259.  
 Hay, John, 4th Lord of Yester, 141.  
 Hay, James, 7th Lord of Yester, 304, 310.  
 Hay, John, 8th Lord of Yester, 310.  
 Hay, John of Aberlady, 283.  
 Hay, James of Carribber, 516, 533.  
 Hay of Drumelzier, 210, 446.  
 Hay, Alexander of Drumelzier, 227, 340, 343, 344, 347, 529, 531.  
 Hay, Robert of Drumelzier, 228, 533.  
 Hay, William, of Drumelzier, 211, 212, 213, 221, 336, 337, 338, 339, 340, 344, 444, 529, 531.  
 Hays of Duns, 29, 211, 225, 338, 340, 446.  
 Hay of Enzie, Arms of, 495.  
 Hay, Sir Gilbert of Locherworth, 397.  
 Haia, William de, of Locherworth, 398.  
 Hays, of Tullibody, 396.  
 Hay, Sir John of Tullibody, 386, (2) 394, (2) 395, 398, 572.  
 Hay, Sir Gilbert, 87, 360.  
 Hay, Andrew, merchant in Prestonpans, 516.  
 Hay, Theodore, 472.  
 Haye, Sir Thomas de, 87, 398.



- Hay, Thomas, son of John Lord Hay of Yester, 413.  
 Haia, William de, 51, 63.  
 Hay, William, 589.  
 Hay, Lady Anne, 172, 192, 193, 284, 344.  
 Hay, Egidia, 17, 384, 386, 387, 388, 389, 391, 394, 395, 396, 397, 398, 399, 404, 405, 406, 410, 411, 429, 432, 495, 572, 573.  
 Hay, Elizabeth, sister of Earl of Erroll, 389.  
 Hay, Elizabeth of Yester, 134, 137, 138, 139, 259.  
 Hay, Jean, 221.  
 Hay, Lady Margaret, 284.  
 Hay, Margaret, 304, 305, 310, 313, 336, 340, 344, 531, 533.  
 Hazlett, Margaret, 266.  
 Hectreda, wife of Randolph de Lindesay, 35.  
 Henderson, William of Newton, 620.  
 Henry I., King, 33.  
 Henry II., King, 37.  
 Henry, III., King, 71, 157.  
 Henry, IV., King, 104, 374.  
 Henry, V., King, 107, 111, 360, 380.  
 Henry VII., King of England, 126.  
 Henry VIII., King of England, 126, 127, 132, 133, 135, 418.  
 Henry II., King of France, 143.  
 Henry III., King of France, 157, 296, 361.  
 Hepburn's Regiment, 319.  
 Hepburn's Scots Brigade, 366.  
 Hepburn, George of Eistcraig, 207.  
 Hepburn, Patrick of Smeatoun, 227.  
 Hepburn, Sir Patrick of Waughton, 342.  
 Hepburn, Adam, 500.  
 Hepburn, Alexander, 401.  
 Hepburn, John, 366.  
 Hepburn, Mr. 224, 401.  
 Hepburn, Christian, 172, 207, 208, 211, 337.  
 Hepburn, Elizabeth, 227.  
 Hepburn, Janet, Lady, 124, 125, 128, 129, 136, 259.  
 Hepburn, Janet, 16.  
 Hepburn, Margaret, 401.  
 Herbert, The Marischal, 51.  
 Hereford, 5th Earl of, see Clare, Gilbert de.  
 Herries, 6th Lord, John, 193, 342.  
 Hertford, Earl of, 133, 135.  
 Hesse, Prince of, Frederick, 270.  
 Hewitt, Hon. William, 568.  
 Hickle, Captain R.N., 625.  
 High Commission, Court of, 201.  
 Highlanders, 201, 217, 220, 302.  
 Highland Light Infantry, (71st) 539.  
 Highland Light Infantry, (74th Highlanders), 623.  
 Hodelmia (Hoddam), Odard de, 77, 79, 80.  
 Hodelmia (Hoddam), Christian, 77, 79.  
 Hodge, Edward, shipmaster of Grangepans, 515.  
 Hodge, Percy, Cape Civil Service, 616.  
 Hodge, Alice Ida, 616.  
 Hodge, Christian, 515.  
 Hodge, Isobel, 515.  
 Hohenzollern 40th Regiment, 614.

- Hole, Bruce Binford, 557.  
 Hole, Frank Binford, 557.  
 Hole, Aileen Mary Seton, 557.  
 Hole, Marjory Seton, 557.  
 Holland, Estates of, 11, 152, 368.  
 Holy League, 126.  
 Holyrood, Custodier of, 303.  
 Home, Lord, 136, 148, 175, 414.  
 Horne, Lord, Alexander, 127, 400, 408, 410, 413.  
 Home, Sir Alexander, 408.  
 Hume, Alexander of North Berwick, 278.  
 Home, Sir John of North Berwick, 283, 502.  
 Home, Sir John of Renton, 343.  
 Home, Sir David of Wedderburn, 502.  
 Home, Sir George of Wedderburn, 429, 502.  
 Hume, Colonel Logan, of Broomhouse and Edrom, 268.  
 Hume, George Ninian Logan, 268.  
 Hume, George Robert Seton, 268.  
 Home, Patrick, 318, 502.  
 Hume, William Miles, M.C., 268.  
 Home, Christian (Isobel), 343.  
 Hume, Edith, 268.  
 Home, Elizabeth, 413, 428, 429, 431.  
 Hume, Eva Katherine, 268.  
 Hume, Helen Georgina, 268.  
 Hume, Helen Mary, 268.  
 Hume, Margaret, 268.  
 Hopetoun, Earl of, 205.  
 Hopetoun, 1st Earl of, 499.  
 Hopes of Craighall, 292.  
 Hope, John of Hopetoun, 499.  
 Hope, John, 205.  
 Hopper, James, 420.  
 Hormajee, Dinshaw, 550.  
 Hotspur, 103.  
 Household, Master of, 113, 124, 147, 157, 161, 169, 170, 203, 279, 318.  
     see Beton, John.  
     " Elphinstone, Sir Michael.  
 Household, Steward of, 89, (Sir Alexr. Seton.)  
 Howson, Captain, 478.  
 Hughes, Colonel, C.B., 549, 550.  
 Hugo, "Chancellor", 51.  
 Humphraville, Richard de, 48.  
 Hunsdon, Lord, 153, 158, 164. (Hundsden)  
 Hunter, Alexander of Muirhouse, 443.  
 Hunter, Robert of Newton Rires, 248.  
 Hunter, James, Seaside, Perthshire, 272.  
 Hunter, James of Thurston, 272, 273.  
 Hunter, Barbara, 443, 444.  
 Hunter, Margaret, 272, 274A.  
 Hunter, Sarah, 273, 274A.  
 Huntingdon, Earl of, 48.  
 Huntingdon, Earl of, David, 70, 507.  
 Huntingdon, Earl of, Waltheof, 38.  
 Huntly, Marquises of, 105.  
 Huntly, Marquis of, 9, 195, 430.  
 Huntly, 1st Marquis of, 363, 604.  
 Huntly, 2nd Marquis of, 172, 195.  
 Huntly, 3rd Marquis of, 315.  
 Huntly, 11th Marquis of, Charles, 570, 571, 575.  
 Huntly, Earl of, 5, 6, 7, 16, 105, 378, 385, 428, 590, 597, 601.  
 Huntly, Earl of, 17, 115, 127, 133, 134, 135, 145, 148, 152, 153, 154, 156, 185, 280, 299, 332, 339, 352, 367, 377, (Alex. Seton) 382, 383, 384, 385, 388, 391, 393, 394, 395, 396, 397, 398, 404, 405, 406, 407, 429, 430, 574, 588.

- Huntly, George, 2nd Earl of, 14, 15, 16, 387, 388, 389, 398, 407, 409, 591.
- Huntly, Alexander, 3rd Earl of, 15, 409, 410, 411, 415, 416.
- Huntly, 4th Earl of, 7, 15.
- Huntly, George, 5th Earl of, 16, 597.
- Huntly, Master of, 406, 576.
- Hunyeth, or de Unyeth, Alexander, 63.
- Imhoff, General Sir Charles, 537.
- Indemnity, Act of, 167.
- Independence, War of, 2, 4, 5, 61, 64, 67, 85, 94.
- India, Governor General of, 477, 486.
- India Office, 625.
- Inglram, 99.
- Inglis, James, Edinburgh, 328.
- Inglis, Isabel, 328.
- Inman, Barbara, 556.
- Innes, Alexander of Cathlaw, 584.
- Innes of Leuchars, 594, 602.
- Innes, Cosmo, 29.
- Innes, Ann, 584.
- Innes, Margaret, 594, 595, 601, 602.
- Invernessshire, Sheriff of, 353.
- Invernessshire, Deputy Lieutenant, 354.
- Invernessshire, Convener, 354.
- Ireland's Regiment, 346.
- Irish Regiment, 369.
- Irvine, Alexander of Drum, 598.
- Irvine, Elizabeth, 598.
- Isles, Lord of, Alexander, 382.
- Isles, Lord of, John, 382.
- Isabel, daughter of David Earl of Huntingdon, 70.
- Isobel, daughter of William Lord Marshall, Earl of Pembroke, 80A.
- Isobel, daughter of Duncan 9th Earl of Fife, 72.
- Jackson, Edward, 272.
- Jacobite Court, 223.
- Jacobite Army, 286, 339.
- Jacobite party, 214, 215, 216, 217, 220.
- James, King, I., 101, 102, 104, 108, 113, 115, 124, 125, 130, 279, 375, 379, 380, 381, 382, 386, 389, 394, 404, 571.
- James, King, II., 14, 15, 16, 101, 110, 113, 115, 116, 125, 252, 404, 461, 498.
- James, King, III., 6, 15, 101, 115, 119, 235, 247, 316, 389, 390, 401, 409.
- James, King, IV., 15, 101, 119, 123, 124, 126, 127, 134, 139, 235, 237, 247, 322, 351, 390, 401, 408, 434, 460, 498, 500.
- James, King, V., 15, 21, 101, 132, 133, 134, 139, 165, 238, 316, 343, 352, 414, 582, 602.
- James, King, VI., 139, 155, 157, 158, 159, 161, 163, 173, 174, 175, 176, 179, 182, 183, 184, 238, 242, 278, 279, 280, 294, 296, 298, 299, 300, 316, 318, 324, 326, 329, 365.
- James, King, VII., 200, 203, 265, 357, 607, 608.
- James, King, VIII., 214, 285.
- James, King of England, II., 200, 313, 314, 315, 607, 608.
- James, Prince, 420.
- Jeddart Justice, 303.
- Jesuits, General of the, 157, 301.
- Jesuits, Soottis, 158.
- Jesuits, in Canada, 527.
- Joan, Princess, 124, 125.

- Johnstone, Sir Adam of that Ilk, 112, 113.  
 Johnstone, James, (Earl of Hartfell), 605.  
 Johnstone of Elphinstone, 155.  
 Johnstone, Sir Samuel of Elphinstone Bt., 605.  
 Johnstoun, Elizabeth, 604, 605.  
 Jones, Anne Shaw of Dollardstown, Co. Neath, 268.  
 Joshua, 305.  
 Justiciary Records, Edinburgh, 506.
- Keay, James, 452, 464, 524, 525.  
 Keir, Andrew, 357.  
 Keith's Regiment, 346, 367.  
 Keiths, the, 396.  
 Keith, Family of, 61.  
 Keith, Sir Robert, Marischal, 64, 87, 386.  
 Keith, Master of, Sir Robert, 110.  
 Keith, Sir William, 64, 92, 374, 375, 377, 386, 393, 394, 397.  
 Keith, Major James, Sheriff of Kincardineshire, 328.  
 Keith, Christian, 386, 394, 395, 397.  
 Keith, Elizabeth, 374, 386, 394.  
 Keith, Elizabeth, Lady of Aboyne, 375, 378.  
 Keith, Janet, 110.  
 Keith, Jean, 386.  
 Keith, Muriella, 107, 115, 375, 380, 394, 397.  
 Kellie, Earl of, 251.  
 Kellie, Earl of, 1st, 304.  
 Kellie, Earl of, 5th, 340.  
 Kellie, William, Senator of College of Justice, 330.  
 Kellie, Margaret, 330.  
 Kelso, Abbot of, 255.  
 Kelso, Commendator James, 419.  
 Kenmure, Lord, 217, 218, 219.
- Kennedy, Lord, 114.  
 Kennedy, James, 269.  
 Kers of Cessford, 255.  
 Kers of Yair, 255.  
 Ker, Lord Mark, Commendator of Newbattle, 276.  
 Kerr, Sir Robert of Ancrum, 303.  
 Ker (Karr), Colonel Andrew, 255.  
 Ker, Andrew, 255.  
 Ker, David, 255.  
 Ker (Karr), John, 255.  
 Ker, Katharine, 255.  
 Ketel, 33, 34, 36, 37, 39, 40, 41.  
 Kilcreuch, Alexander Lord, 403, 425, 426, 500, 501, 504, 505, 506, 508, 509.  
 Killebrand, Laurence, 400.  
 Kilmaurs, Lord,  
     see Cuningham, Robert.  
 Kincardine, Lord, 205.  
 Kincardineshire, Sheriff of, 328.  
     see Keith, Major James.  
 King's Party, 242.  
 King of Barra, family, 595, 598, 602.  
 King, Alexander Advocate, 594, 596, 598, 618.  
 King, David of Fallaw, 595.  
 King, James of Barra, 595.  
 King, David Vicar in Bourtie, 595.  
 King, James, 595.  
 King, William portioner of Barra and Bourtie, 595.  
 King, William, 591.  
 Kingston, Arms of, 341.  
 Kingston, n, 3.  
 Kingston, Lord, 25, 30, 31.  
 Kingston, Viscounts, 192, 229, 327, 331, 347, 441, 445.  
 Kingston, Viscount of, 3.



- Kingston, Alexander, 1st Viscount,  
 3, 9, 28, 57, 164, 173, 187,  
 192, 195, 198, 199, 200, 201,  
 202, 203, 205, 208, 209, 229,  
 277, 282, 283, 288, 290, 294,  
 307, 313, 328, 329, 331, 332,  
 333, 334, 335, 336, 337, 340,  
 341, 342, 343, 344, 497, 499,  
 511, 531, 533.  
 Kingston, Archibald, 2nd Viscount,  
 208, 210, 211, 212, 213, 216,  
 224, 229, 335, 337, 338, 339,  
 444, 518.  
 Kingston, James, 3rd Viscount,  
 10, 208, 217, 229, 327, 328,  
 335, 337, 339, 340, 343, 367.  
 Kingston, Charles, Master of,  
 335, 337.  
 Kininmund, David of that ilk and  
 Craighall, 263.  
 Kininmund, Cecilia, 263.  
 Kinnirmonth, Jean, 239, 245.  
 Kinloss, Commendator of,  
 see Bruce, Edward.  
 Kirk, Commissioners of the, 299.  
 Kirkcaldy of Grange, 154, 242.  
 Kirkcaldy, Sir William of Grange,  
 240.  
 Kirkaldy, John, 240.  
 Knights Hospitallers, 329.  
 Kylesmure, Arms of, 320.  
 Knollys, 170.  
 Knox, John, 7, 130, 131, 135,  
 144, 145, 146, 201, 415.  
 Kruger, President, 557.  
 Kyndelouch, John of, 72.  
 Lamont, the Diarist, 252, 435.  
 Lancaster, Gilbert de, 36, 41.  
 Lancaster, William de, 41.  
 Lancaster, Avicia de, 39, 41.  
 Lancey, Hon. Oliver de, 527.  
 Langeais, Seigneurs of, 363.  
 Langlands, John Captain, 510.  
 Lascelles, Duncan, 35, 77, 79.  
 Lascelles, Sir Thomas de, 35,  
 75, 77, 79.  
 Lascelles, Erminia, 35, 75, 77,  
 79.  
 Lathrisk, of that ilk, 235,  
 247.  
 Lathrisk, William, 247.  
 Lathrisk, Jonet, 235, 247.  
 Latymer, Sir William le, 78,  
 82.  
 Laud, Archbishop, 184, 308.  
 Lauder, Lords, 119.  
 Lauder, Sir Andrew 5th Bt. of  
 Founthall, 610.  
 Lauder, Sir John, 3rd Bt. of  
 Founthall, 608, 609.  
 Lauder, Sir John, 608.  
 Lauder, William Clerk of  
 Session, 609.  
 Lauder, Margaret, 609, 618.  
 Lauderdale, Earls and Dukes of,  
 122.  
 Lauderdale, Earl of, 304.  
 Lauderdale, Earl of, John, 201,  
 202, 204, 211, 292, 513.  
 Lavenage, Seigneurs of, 363.  
 Law, James of Brunton, 270.  
 Law, Margaret, 270.  
 Leckie of Keadarroch, 424.  
 Leckie, John of that ilk, 419.  
 Leckie, Robert, 424, 448.  
 Leggat, Mr., schoolmaster, 281.  
 Leicester, Earl of, 278.  
 Leith, Colonel, 287.  
 Leith, George of Barns, 592.  
 Leith, Janet, 592.  
 Lennox, House of, 138.  
 Lennox, Regent, 153, 242.  
 Lennox, Duke of, Ludovick, 243,  
 363.  
 Lennox, Earl of,  
 see Alivin.

- Lennox, Earl of, 1st, 14, 112, 500.  
 Lennox, 4th Earl of, Mathew, 139, 153, 154, 156, 157.  
 Lennox, John of Woodhead, 422.  
 Lennox, Elizabeth, 422.  
 Lennox, Jelis, 422.  
 Lennox, Margaret, Lady, 139.  
 Lennox, Marie, 422.  
 Leslie of that Ilk, 589.  
 Leslie, Alexander,  
     see Leven, Earl of.  
 Leslie, Alexander of that Ilk, 590.  
 Leslie, William of Balquhain, 590.  
 Leslie, Norman of Rothes, 110.  
 Leslie, John of Tochar, 620.  
 Leslie, Alexander of Wards, 589.  
 Leslie, John of Wardes, 590.  
 Leslie, Alexander of Warthill, 620.  
 Leslie, Alexander, 185, 186, 308.  
 Leslie, John, 249.  
 Leslie, Patrick, 619, 620.  
 Leslie, William, merchant, Aberdeen, 352.  
 Leslie, Anne, 620.  
 Leslie, Lady Christian, 516.  
 Leslie, Elizabeth, 589.  
 Leslie, Grizel, 299, 304, 305.  
 Leslie, Grizel (Lady Dunfermline), 299.  
 Leslie, Lady Helen, 239, 240.  
 Leslie, Jane, 352.  
 Leslie, Margaret (Countess of Ross), 380.  
 Lethington, Lord, 28.  
 Leven, Earl of, (Alexander Leslie), 185, 186.  
 Leven, Lord, Alexander, 516.  
 Liband, Peter, 95.  
 Ligertwood, James of Tilbery, 612.  
 Ligertwood, Margaret, 612.  
 Lindsays The, 232, 358, 384.  
 Lindsay, Lord, 157, 342.  
 Lindsay, Lord of Balcarres, 305.  
 Lindsay, 1st Lord of the Byres, John, 117, 236.  
 Lindsay, 4th Lord, Patrick of the Byres, 498.  
 Lindsay, 8th Lord, John, 191, 342, 498.  
 Lindsay, Sir William of the Byres, 394.  
 Lindsay of Pitskauly, 265.  
 Lindsay, Patrick of Wormiston, 266.  
 Lindesay, Randolph de, 35.  
 Lindesay, Walter de, 44.  
 Lindsay, Sir Walter, Precepter of Torphichen, 118.  
 Lindsay, Lady Anne, 340.  
 Lindsay, Catherine, 236.  
 Lindsay, Christian, 117, 118, 236.  
 Lindsay, Elizabeth, 266.  
 Lindsay, Isobell, 265.  
 Linlithgow, Marquises of, 499.  
 Linlithgow, Earl of, 324, 342.  
 Linlithgow, Sheriff of, 191, 499, 500, 511.  
 Linlithgow, Commissioners for, 513, 514.  
 Linlithgow, Sheriff Depute of, see Dundas, David.  
 Lintoun, Lord John, 193, 194, 196.  
 Little, Captain, 479.  
 Little, William, burgess, Edinburgh, 117, 177, 329.  
 Littlejohn, Dr. Thomas, 554.  
 Livingstoun, Lord, 117, 168.  
 Livingstone, 1st Earl of, Alexander, 326.  
 Livingston, Lord, James of Almond, 305, 406.  
 Livingston, Sir Alexander of Callender, 113.

- Livingston, James, 113.  
 Livingstone, Lady Anne, 326.  
 Livingstone, Mary, 168.  
 Loch, Major William, 556.  
 Loch, Emma Elizabeth, 556, 563.  
 Lochaw, Dominus de, 381, 572.  
 Lochiel's men, 456.  
 Lockhart, Sir William, 516.  
 Lockhart, Anne, 516.  
 Lockhart-Ross, Henry Stewart,  
     Lieut.-Col., 470, 492, 494, 565,  
     566.  
 Lockhart-Ross, Rev. John, 470, 492.  
 Lockhart-Ross, Lilius Elizabeth,  
     492.  
 Logan, Sir Robert of Restalrig,  
     137, 138.  
 Lollard, a in Scotland, 130.  
 London (Lundin), William de, 48.  
 Longueville, Duc, de, 133.  
 Lords, House of, 228, 327, 570.  
 Lords of Council, 244, 295, 591.  
 Lords of Session, 226.  
 Lord President of College of  
     Justice, 211, 297, 298.  
 Lord Advocate, 295, 353, 465, 469,  
     526, 576, 577.  
 Lord Chamberlain, 469, 565.  
 Lord Justice Clerk, 211.  
 Lorraine, Cardinal of, 141, 151.  
 Lorraine, Princess of, 158.  
 Lorraine, Renée de, 170.  
 Lothian, Earl of, 39, 333.  
 Lothian, George, 253.  
 Lothian, Richard, 253.  
 Lothian, Justiciary of, 373.  
 Lothian Border Horse, 578.  
 Lothian, Militia of, 219, 228, 265.  
 Loudoun, Lord, 308.  
 Louis XII, King of France, 126.  
 Louis XIII, 363, 365n.  
 Lovat, Lord, 224, 255, 568.  
 Lovat Scouts, 354, 356.  
 Lowe, Mr. W., W.S., 470.  
 Lowland Militia, 201.  
 Lumsden, Henry of Cushnie, 613,  
     614.  
 Lumsden, Thomas of Ardree, 240.  
 Lumsden, J., 534.  
 Lumsden, Eliza, 613.  
 Lyon King, 127, 469, 565, 622.  
 Lyon Clerk, 565.  
 Lyon Office, 304, 564, 624.  
 Macbeth, 32.  
 McCall, Provost of Haddington,  
     582.  
 McCall, Margaret, 515, 581, 582.  
 McCarthy, Justin, 223.  
 Maodonald, A. G., 527.  
 MacDonald, Angus Oig, 302.  
 MacDonald, Colin of Boisdale,  
     490.  
 Macdonald, Mr. Ramsay, 579.  
 MacDonald, Ranald of Staffa,  
     468, 469, 470, 485, 487, 488,  
     489, 490, 491, 492, 495, 541.  
 Macfarlane, 501, 505.  
 MacGregors, The, 302, 366, 456,  
     501, 505.  
 Mackay, 223, 227, 314.  
 Mackay, Sir Donald, 366.  
 McKay, Donald, 591.  
 Mackoyes Scots Regiment, 262,  
     366.  
 McKenzie, Colin, Lord Kintail,  
     304.  
 Mackenzie, Kenneth of Kintail,  
     290.  
 Mackenzie, Alexander, W.S.,  
     227, 228.  
 Mackenzie, Colin, 475.  
 McKenzie, Kenneth, 305.  
 Mackintosh of Borlum, 217, 218,  
     220.  
 MacLean, Anne Flora of Rhum, 621.

McKlear, Margaret, 222, 224, 230.  
 MacLeod's Highlanders, (73rd Highland Foot) 539.  
 McMahon, General Sir Thomas, Bt., 550.  
 Macnab, 81.  
 Macphail, J.R.N. K.C., 19, 20, 104, 566.

Madeline, Princess, 132.  
 Mahratta, Army, 478.  
 Maitland, 4, 40.  
 Maitland Club, 29.  
 Maitland, Lord, 199.  
 Maitland, John, Lord Thirlestane, 304.  
 Maitland, Sir Richard of Lethington, 28, 141.  
 Maitland, Sir Richard, 17, 25, 31, 122, 130, 141, 164, 277, 331, 351, 359, 379.  
 Maitland, Hon. Richard, 527, 531.  
 Maitland, William of Lethington, 122.  
 Maitland, James, 171.  
 Maitland, Anne, 180, 181.  
 Maitland, Marie, 594.  
 Malay pirates, 480.  
 Maldred son of Maldred, 32, 34.  
 Maldred or Malcolm, 31, 32, 34.  
 Malcolm, II, King, 31, 32, 34.  
 Malcolm, III, Ceanmor, King, 26, 32, 33, 34, 57, 358, 373.  
 Malcolm, IV, King, 45, 47, 54.  
 Malet, Sir Edward, 478.  
 Malice, William, 420.  
 Mansfeldt, Count, 366.  
 Mar, Earl of, 66, 154, 157, 173, 215, 218, 339, 340, 360, 390, 441.  
 Mar, Earl of, Donald, 90.  
 Mar, Earl of, Gratney, 82.  
 Mar, 2nd Earl of, John, 243, 403, 420, 422, 424, 433, 454, 505.

March, Earle of, 374.  
 March, Waldevus, Earle of, 49.  
 March, Patrick of Dunbar, Earle of, 60, 62, 71, 94.  
 Marchmont, Earl of, 220.  
 Margaret (Stewart), Princess, 109, 237, 240.  
 Margaret, The Maid of Norway, 66.  
 Margaret, sister of King James III, 114.  
 Margaret, Countess of Winchester, 30, 58.  
 Margaret, Lady daughter of John Earl of Buchan, 115.  
 Margaret, daughter of Neill, Earl of Carrick, 80A.  
 Marischal, Earl, 455.  
 Marischal, George Earl, 598.  
 Marischal, 7th Earl, William, 192.  
 Marjory, Countess, daughter of King, 65, 68, 101.  
 Marjoribanks, 454.  
 Marlborough, Duke of, 609.  
 Marshall, Colonel Robert Seton, 31, 36, 39, 42, 63, 75, 77, 79, 239, 253.  
 Martin, George Laird of Cardon, 244.  
 Martyne, Peir, tapescher, 241.  
 Mary, Queen of Scots, 3, 7, 8, 14, 15, 16, 101, 112, 125, 133, 139, 140, 141, 143, 146, 147, 148, 149, 150, 151, 152, 153, 155, 157, 158, 160, 161, 162, 166, 168, 169, 170, 171, 173, 203, 211, 225, 241, 242, 277, 278, 280, 289, 294, 352, 358, 369, 418, 420, 421, 424, 445, 560.  
 Mary, of Lorraine, Queen, 7, 15, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 161, 164, 168, 238, 260, 277, 582.



- Mary, Queen, 462.  
 Mary, Princess of England, 132.  
 Matilda, daughter of Waltheof,  
     Earl of Huntingdon, 38.  
 Maules, The, 507.  
 Maule, Peter Lord of, 507.  
 Maule, Sir Thomas of Panmure, 507.  
 Maule, William of Glaster, 507.  
 Maule, Henry, Keeper of the Signet,  
     437.  
 Maule, Robert, 507,  
 Maule, William merchant in Edinburgh,  
     507.  
 Maule, Elizabeth, 437.  
 Maule, Marion, 507.  
 Maximilian of Austria, 126.  
 Maxwel, Dominus de, 572.  
 Maxwell, Lord, Herbert of Carlave-  
     rock, 112.  
 Maxwell, Lord, John, 8th, 174.  
 Maxwell, John (Bishop of Ross), 188.  
 Maxwell, Lady Elizabeth, 189, 193,  
     199, 342, 344, 348.  
 Mayne, Mr., 544.  
 Mecklenburg-Strelitz, Duke of, 474.  
 Medici, Catherine de, 157.  
 Megget, Rebecca, 255.  
 Meldrum family, 297.  
 Meldrum, Laird of, 591.  
 Meldrum of that Ilk, 382.  
 Meldrum, William of that Ilk, 588.  
 Meldrum, Alexander, (dominus de  
     Fyvie), 290.  
 Meldrum, Elizabeth heiress of Mel-  
     drum, 588.  
 Meldrum, Elizabeth, 382.  
 Melfort, Lord, 314.  
 Melrose, Earl of, 183.  
 Melrose, Commendator of, James,  
     419.  
 Melvilles, The, 26, 358.  
 Melville, Viscount (Mr. Dundas),  
     287, 467, 533, 534, 537.  
 Melville, James, 246.  
 Melville, John 6th of Raith,  
     246.  
 Menteith, Earl of, 65.  
 Menteith, 4th Earl of John,  
     137.  
 Menzies, Charles, W.S., 222.  
 Menzies, Gilbert provost of  
     Aberdeen, 590.  
 Mint, Warden of the, 165.  
 Minto, Lord, 534.  
 Moir, George of Leckie, 438,  
     528, 529.  
 Moir, James, of Leckie, 438,  
     447, 448.  
 Monboddo, Lord, 227.  
 Monckton, Hon. R., 523, 527.  
 Moncrieffe, David Stewart,  
     Baron, 465, 471.  
 Moncrieff, Sir Thomas of that  
     Ilk, 443.  
 Moncrieff, Barbara, 443.  
 Monk, General, 197, 198, 325,  
     333, 607.  
 Monmouth, Duke of, 202, 203.  
 Montgomery, Surname of, 182,  
     323.  
 Montgomery, Dominus de, 381,  
     572.  
 Montgomery, Sir James of Stan-  
     hope, 493.  
 Montgomery, Neil of Langschaw,  
     128.  
 Montgomery, Robert, 493.  
 Montgomerie, Lady Anne, 357.  
 Montgomery, Elizabeth, 493.  
 Montgomerie, Lady Margaret,  
     172, 176, 177, 207, 321, 322,  
     328, 329.  
 Montgomerie, Lady Marion, 177.  
 Montgomerie, Lady Mary, 206,  
     207, 321.  
 Montrose, (Duke of), 8, 211.

- Montrose, Marquis, 282, 283, 284, 604, 605.  
 Montrose, Earl of, 185, 186, 187, 195, 200, 264, 299.  
 Montrose, Earl of, William, 416.  
 Moore, Charles of Boston, U.S.A., 273.  
 Moore, Sir Henry, 527.  
 Moore, Amy, 273.  
 Moray, Earl of, 568.  
 Moray, Earl of, Archibald Douglas, 385.  
 Moray, Earl of, James, 7, 147, 149, 150, 151, 153, 163, 242.  
 Moray, Earl of, (John de Dunbar), 20.  
 Moray, Earl of, John, 90, 93, 135.  
 Moray, Randolph Earl of, 89, 90.  
 Moray, Earl of, Thomas, 90.  
 Moray, Countess of, see Dunbar, Elizabeth.  
 Moray, Henry, Archbishop of, 573.  
 Moray, Bishops of, 290, 296.  
 Moray, Bishop of, 387, 404.  
 Moray, Archdeacon of, 404.  
 Moray, Alexander of Abercairney, 286.  
 Moray, James of Abercairney, 286.  
 Moray, Sir Andrew of Bothwell, 83, 90.  
 Moray, Alexander, 286.  
 Moray, Andrew de, 67.  
 Moray, Susan, 286.  
 Mordington, 3rd Lord, see Douglas, James.  
 More, Antonio, 167.  
 More, David, 498.  
 More, Sir William, 498.  
 Morley, Lord, 544.  
 Morton's Regency, 593.  
 Morton, Earl of, Regent, 242, 278, 295.  
 Morton, Earl of, 7, 144, 147, 154, 155, 156, 157, 163, 164, 166, 169, 174, 203.  
 Morton, 1st Earl of, James, 124, 125, 174, 281.  
 Morton, 5th Earl of, William, 243.  
 Morton, 6th Earl of, William, 310, 311.  
 Morvilles, The de, 36, 39, 40, 44.  
 Morville, Hugo de, 43.  
 Morville, Richard de, The Constable, 35, 36, 39, 41, 45, 48.  
 Morevill, William de, The Constable, 41, 51.  
 Morville, Eva de, 41.  
 Morville, Helen de, 35, 36, 41.  
 Mowbray, John de, 86.  
 Mowbray, Sir Philip, 81.  
 Mundell, Alexander, London, 537.  
 Murdac, son of Robert, Duke of Albany, 102, 104.  
 Mure, Elizabeth of Rowallan, 115.  
 Murrays, The, 215, 400.  
 Murray of Broughton, 455.  
 Murray, Sir William of Castle-ton, 236.  
 Murray, Sir Patrick of Elibank, 433.  
 Murray, Sir James of Kilbaber-ton, 433, 435.  
 Murray, Sir Robert of Prest-field, 519.  
 Murray, David of Touchadam, 410.  
 Murray, James of Touchadam, 448.  
 Murray, John of Touchadam, 437.

- Murray, William of Touchadam, 419, 430, 453.  
 Murray, Sir William of Tullibardine, 236.  
 Murray, William of Tullibardine, 116.  
 Murray, Sir Andrew, 400.  
 Murray, Charles, Collector of Customs, 529, 530.  
 Murray, General James, 527.  
 Murray, Sir William, Captain of Edinburgh Castle, 96, 97, 99.  
 Murray, Christian, 116.  
 Murray, Eupham Melvill, 519, 520.  
 Murray, Helen, 236.  
 Murray, Margaret, daughter of Sir Wm. Murray, 96, 97, 99.  
 Murray, Rebecca, 433, 435.  
  
 Nairn, Lord, 219, 221.  
 Napier, Lord, 303.  
 Napier, Sir Alexander of Merchiston, 416.  
 Napier, John of Merchiston, 501, 508.  
 Napier, Sir Robert, 614.  
 Napier, Robert, 501, 508.  
 Nasmyth -, 278.  
 Nassan, William of, Prince of Orange, 313.  
 National Covenant, 184, 186, 308.  
 Neale, Sir Richard, Under Sheriff of Durham, 343.  
 Neale, Frances, 343.  
 Neilson, William, 553.  
 Nevil, Hugh de, 59.  
 Newbattle, Monks of, 51.  
 Newton, Mary, 344.  
 New York, Governor of, 523.  
 Nicholas, Esquire, 71.  
 Nicolson, James, Writer in Edinburgh, 441.  
 Nisbet, 29.  
 Nithsdale, Earl of, 219, 332.  
 Niven, Captain John, 252.  
  
 Nogrebon, Nicholas, 100.  
 Norfolk, Duke of, 133, 134, 418.  
 Norfolk, Earl of, 6.  
 Normans, 26, 39, 43, 56.  
 Normavile, Mariota, de Gar-gunnock, 401.  
 Northampton, Earl of, 28.  
 Northumberland, Earl of, 132.  
 Northumberland, Earl of, Seward, 32, 34, 38.  
 Northumberland, Earl of, Uchtred, 32, 34.  
 Northumberland, Earl of, Gospatrick, 32, 34, 40.  
 Northumberland, Lady, 153.  
 Norway, Maid of, see Margaret, Maid of Norway.  
  
 O'Neil, James, 613.  
 O'Neil, Elizabeth, 613.  
 Octavians, The, 298, 299.  
 Ogilvies, the, 384.  
 Ogilvy, Lords of Airlie, 112.  
 Ogilvie, Sir Walter of Dunlugus, 138, 603.  
 Ogilvy, Patrick of Inchmartin, 421.  
 Ogilvy, Sir John of Lintrathen, 112.  
 Ogilvie, Gilbert of Powrie, 283.  
 Ogilvy, Sir Walter, 598.  
 Ogilvie, George son of Sir Walter Ogilvie of Dunlugus, 138.  
 Ogilvy, Mr. Gilbert, 228.  
 Ogilvy, Rev. Skene, D.D., 620, 622.  
 Ogilvy, Beatrix, 603.  
 Ogilvy, Isabella, 283.  
 Ogilvy, Janet, 622.  
 Oliphant, Bernard, 248.  
 Oliphant, (Olefer) Walter, justiciar, 48.

- "Olifard", Walter, 49.  
 Oliphant, Christian, 609.  
 Orkney, Earl of, William, 118.  
 Orleans, Duke of, Louis, 360.  
 Orm of Commerton & Seton, 43, 54.  
 Orm, son of Ketel, 33, 34, 36, 37, 39, 40, 41.  
 Orton, Dr. James, 551, 556.  
 Orton, Rev. Reginald, 556.  
 Orton, Emma, 551, 556.  
 Orton, Katherine, 556.  
 Osborne, Henry, 256.  
 Osborne, Eleanor, 256.  
 Outram, Benjamin, 621.  
 Outram, Sir James, Bt., 621.  
 "Bayard of India".  
 Oxford, Earl of, 222.
- Paisley Abbey, Commendator of, 166.  
 Paisley, Lord, 167.  
 Paisley, Master of, 497, 498, 499.  
 Paisley, James, Master of, 191.  
 Pammure, Earls of, 507.  
 Pantoun, John of Pitmedden, 602.  
 Papal nuncios, 158.  
 Parbroath, Laird of, 238.  
 Parbroath, heiress of, 234.  
 Paris, French, 140.  
 Parliament, Lords of, 176, 381.  
 Parliament, Estates of, 175.  
 Parliament, Commissioners of, 189.  
 Parliamentary Army, 187, 332, 334.  
 Parma, Prince of, 249, 368, 370.  
 Parry-Hodges, Rev. Frederick, 542, Vicar of Lyne Regis.  
 Parry-Hodges, Walter, 542.  
 Parry-Hodges, Caroline, 542.  
 Parsons, Father Robert, 157.  
 Paske, General Charles, 552.  
 Paske, Louisa, 552.  
 Paterson of Bannockburn, family of, 454.  
 Paterson, Sir Hugh, 2nd of Bannockburn, 454, 455, 472.
- Paterson, Charles of Cranly, 585.  
 Paterson, Sir John of Eccles, Bt., 611.  
 Paterson, Hugh, 455, 456, 462.  
 Paterson, Mr. Francis, Teacher of Humanity, 447.  
 Paterson, James, General, 475.  
 Paterson, Catherine, 454, 476.  
 Paterson, Elizabeth, 454, 472.  
 Paterson, Mary, 455, 456.  
 Pawson, George, 474.  
 Peebles, Sheriff of, 392.  
 Pembroke, Earl of, William Lord Marshall, 80A.  
 See Valence, Aymer de,  
 Percies, The, 104.  
 Perth, Duke of, 11, 518.  
 Perth, Earl of, 1st (James Drummond), 178, 357.  
 Perth Parliament, 572.  
 Petcox, Philip de, 60.  
 Peter I, King of Cyprus, 103.  
 Phikoo, 534, 535.  
 Philip I, 358.  
 Philip II, King of Spain, 148, 157, 277, 278, 279.  
 Philip VI, King of France, 93.  
 Philip, The Chamberlain, 51.  
 Pieris, (Pyeres) Marie, 139, 140, 168.  
 Pilkinton, William, 257.  
 Pilkinton, Edith, 257.  
 Pitcairn of that Ilk, 234.  
 Pitcairn, Dr. Archibald of that Ilk, 213, 221.  
 Pitcairn, Henry son of David Pitcairn of Forthir, 240.  
 Pitcairn Marion, 234, 247.  
 Pitmedden, Lord, 607, 608, 617.  
 Pitt, Mr, 466.  
 Pluscarden, Prior of, 296.  
 Pollock, Alan Winton Seton, C.A. 557.



- Pollock, Algernon, 557.  
 Pollock, Algernon Frederick Seton, 557.  
 Pollock, Erskine Reginald, LL.B., 557.  
 Pollock, Aileen Marion Seton, 557.  
 Polwarth, Lord, 220.  
 Polwarth, (Pollilway, Polilswarth) Adam de, 50, 52.  
 Polwarth, (Pollilway, Pollilsworth) Alexn., 50.  
 Poorbus, a Dutch artist, 167.  
 Pope Alexander III, 291.  
 Pope Clement VI., 94.  
 Pope Eugenius IV., 115, 404, 573.  
 Pope Gregory, XIII, 158, 176, 300.  
 Pope John XXII, 88, 373.  
 Pope Julius II, 126.  
 Pope Julius III, 166.  
 Pope Nicholas V, 289.  
 Pope Paul II, 121.  
 Pope Pius II, 117.  
 Postmaster General, 318, 320.  
 Praed, Mackworth, 545.  
 Presbyterians, 197, 201, 203.  
 Presbyterianism, in England, 325.  
 Preston, family of, 290.  
 Preston, Archibald of Valleyfield, 350.  
 Preston, Sir Henry, 290.  
 Preston, Griselda, 350.  
 Pretender, the, 214, 217, 440.  
 Pretymen John, Canon, 354.  
 Pretymen, Harriet, 354.  
 Price, Major David, 481.  
 Prince of Orange,  
     see Nassau, William.  
 Prince of Wales,  
     see Wales, Prince of.  
 Prince Charles, 332, 334.  
 Prince Charles Edward, 454, 475, 610, 619.  
 Prince Consort, 469, 493.  
 Prince Henry, 425.  
 Prince Henry Frederick, 175.  
 Prince Leopold of Saxe Coburg, 539.  
 Prince of Wales Island, Governor of, 480, 486.  
 Princess, Annabella, 389.  
 Princess Charlotte of Wales, 539.  
 Princess, Clementina,  
     see Sobieska.  
 Princess, Louise,  
     see Stolberg.  
 Princess Madeline, 132.  
 Princess, Margaret,  
     see Margaret Stewart.  
 Privy Council, 114, 143, 157, 165, 181, 186, 188, 200, 201, 202, 243, 278, 282, 299, 302, 303, 307, 309, 311, 319, 320, 322, 339, 440, 540, 608.  
 Protestant Lords, 7, 147, 159, 241.  
 Protesters, the, 197.  
 Queen Anne, Lady of Dunfermline, 292, 294, 296, 298, 300, 326.  
 Queen Anne, 216.  
 Queen Elizabeth,  
     see Elizabeth, Queen.  
 Queen Margaret, 139.  
 Queen Mary, 335.  
 Queen, English, 159, 332, 333.  
 Queensberry Party, 610.  
 Queensberry, Earl of, 216.  
 Quincys The, 62.  
 Quincy, Robert de, 49.  
 Quincy, Sir Roger de, 64.  
 Quincy, Roger de, 52, 53, 57, 58, 59, 61, 62, 63, 71, 95.  
 Quincy, Saher de, 51.  
 Quincy, Simon de, 51.

- Quincy, Ela de, 59.  
 Quincy, Elizabeth de, 59.  
 Quincy, Isabella de, 59.  
 Quintsey, Janet, daughter of Roger  
     Earl of Winton, 30, 57, 58, 59.  
 Quincy, Margaret de, 59.  
  
 Raith, Lord, 516.  
 Ramsay, Sir Cecil of Parbroath, 96.  
 Ramsay, Sir James, 211.  
 Ramsay, Sir Nichol, Kt., 233.  
 Ramsay, Professor Sir William, 560.  
 Ramsay-Karr, Andrew, Governor of  
     Bombay, 255.  
 Ramsay, Gilbert, 255.  
 Ramsay, John, 243.  
 Ramsay, Agnes, 238, 239, 251.  
 Ramsay, Elizabeth, heiress of Par-  
     broath, 17, 96, 233.  
 Ramsay, Jean, 255.  
 Randolph, English Ambassador, 147,  
     148, 164, 168.  
 Rangers, Regiment of, 287.  
 Rawlinson, William Esq., 256.  
 Rawlinson, Alicia, 256.  
 Reay, Lord, 366.  
 Reddoch, James, 422.  
 Reddoch, Katherine, 422.  
 Reformation, The, 22.  
 Reformed Church, 157, 278, 293,  
     295, 424, 428.  
 Reformation party, 242.  
 Reid Seton, Miss of Leyton, Essex, 328.  
 Remonstrants, the, 197.  
 Richard, II, King, 103.  
 Richardson, Beatrix, 239, 252.  
 Ridale, Walter de, 44.  
 Ridale, Wm. de, 49, 51.  
 Riddell, John, 468, 541.  
 Rigaud, 225, 445.  
 Ripley, Sir Henry William of Rawdon,  
     Bt., 553, 554.  
 Ripley, Henry, 554.  
 Ripley, Henry Edward, 554.  
 Ripley, Dorothy Alice Seton, 554.  
 Ripley, Marian Janet, 554.  
 Ripley, Phoebe, 553.  
 Rippell, Bernard de, 61.  
 Ripon, Marquess of,  
     see De Grey Lord.  
 Rizzio - 7, 148, 160.  
 Robert I, King, 18, 19, 20, 22,  
     23, 68, 101, 207, 288, 377,  
     393, 398.  
 Robert II, King, 14, 101, 102,  
     115, 375.  
 Robert, III, King, 102, 103, 107,  
     115, 375, 376, 394, 498.  
 Roberts, Lord, 624.  
 Roberts (Robarts) Christopher,  
     476, 479, 481, 482.  
 Robertson - Glasgow, 349.  
 Robertson, William, 349.  
 Rochester, Lord, 171.  
 Roger, son of Orm, 34, 37, 41.  
 Rolland, William, Master of the  
     Mint of Aberdeen, 602.  
 Rolland, Margaret, 602.  
 Rollo, David of Powhouse, 455.  
 Romans, The, 497.  
 Roman Catholics, 201, 203.  
 Rome, Church of, 215.  
 Rosebery, Lord, 544.  
 Rosencrantz, Captain Baron, 586.  
 Rosencrantz, Beate Louise, 586.  
 Ross, Earl of, Alexander, 382, 384, 385, 390.  
 Ross, Lord, 145.  
 Ross, Countess of,  
     see Leslie, Margaret.  
 Ross, Bishop of, 158.  
 Ross, Bishop of, (John Maxwell),  
     188.  
 Ross, Thomas of Craigie, 249.  
 Ross, Margaret, 249.  
 Rothes, Earl of, 251.  
 Rothes, Earl of, George, 110, 220,  
     221.

- Rothes, Earl of, 4th, George, 240.  
 Rothes, Earl of 6th, 304.  
 Rothes, Master of, James, 304.  
 Rothesay, Duke of, David, 103, 119.  
 Roxburgh, Lord, 199.  
 Royalists, 334, 604.  
 Royal Infirmary, Managers of, 520.  
 Royal Life Guards, 325, 362, 363.  
 Royal Scots, 367, 578, 620.  
 Rupert, Prince, 325.  
 Russell, Lord, 173.  
 Rutherford, Colonel, 267.  
 Ruthven, Sir William de, 98, 233.  
 Ruthven, Margaret de, 96, 98.  
 Ruthven, Margaret, 233.  
 Rutland, Earl of, 164.  
  
 St. Andrews, Archbishop of, John  
     Hamilton, 129, 165, 188.  
 St. Andrews, John, Archbishop of,  
     305.  
 St. Andrews, Bishop of, 51.  
 St. Andrews, Bishop of, Henry, 377.  
 St. Andrews, Bishop of, Hugo, 400.  
 St. Barbe, Ethelred, 354.  
 St. Barbe, John, 354.  
 St. Clair, Sir William, of Herdman-  
     ston, 109.  
 St. Clair, Sir William, 108.  
 St. Clare, Katherine de Janet Clare,  
     109, 110, 129, 379.  
 St. Francis of Assisi, 559, 561.  
 St. Jago, Order of, 288.  
 St. Martin, Alexander de, 45, 49<sup>(2)</sup>,  
     64.  
 St. Pierre, Madame de, 171.  
 St. Sulpice, Community of, 527.  
 St. Vincent, Governor of, 286, 287.  
 St. Vincent, Admiral of, 286.  
 Sadler, the English Ambassador, 135.  
 Salonika Force, 625.  
 Saltoun, Alexander, 6th Lord of  
     Abernethy, 598.  
  
 Saltoun, Alexander Fraser 10th  
     Lord, 601.  
 Sanderson, John, Edinburgh, 579.  
 Sanderson, Zeyla, 579.  
 Sandhurst, Lord, 544.  
 Sangster, Thomas, 593.  
 San Sago, Knight of, 277.  
 Sardinia, King of, 475.  
 Say, Family of, 25, 26, 358.  
 Say, Seher de, 45.  
 Scaram Elli, Venetian Secretary,  
     300.  
 Scone, Parliament of, 373.  
 Scotland, Royal House of, 14.  
 Scotland, Crown of, 198.  
 Scotland, Prince of, 560.  
 Scotland, Regent of (Albany),  
     361.  
 Scotland, Guardian of, 102, (King  
     Robert II),  
     See Wallace, William.  
 Scotland, Chancellor of, 293,  
     299.  
 Scotland, Great Admiral of, 124,  
     see Bothwell, Earl of.  
 Scotland, Constable of,  
     see Erroll, Earl of,  
 Scotland, Church of, 176, 183.  
 Scotland, Geographer of,  
     see Adair, John.  
 Scotland, Bank of, 253.  
 Scots Brigade in Holland, 263,  
     314, 368, 369, 523.  
 Scots Fusileers, 339.  
 Scotstarvet, 294, 307.  
 Scott, Sir Walter, 223, 469, 484,  
     490.  
 Scot, Captain, 480.  
 Scot, Dorothy Goldie, 268.  
 Scott-Kerr, William of Chatto,  
     355.  
 Soott-Kerr, Christian, 354, 355,  
     356.

- Scottish, Army, 127, 133, 187, 197,  
 218, 309, 324, 325, 332, 333.  
 Scottish Settlers, 324.  
 Scottish Commissioners, 325.  
 Scottish Guard in France, 11, 261,  
 362, 364, 365.  
 Scottish Navy, 120.  
 Scottish Parliament, 214, 252, 283,  
 373, 571, 610.  
 Scottish Convention, 335.  
 Scottish Estates, 130, 187.  
 Scottish Royal Household, 565.  
 Scrope, Anna, 611.  
 Scrymgeour, Sir John of Dudhope,  
 245.  
 Seafield, Earl of, Chancellor, 214.  
 Seaforth, Earl of, 304.  
 Seher, (Seyer, Secher), 30, 43, 46,  
 48.  
 Sellar, Walter, 401.  
 Selwyn, Sir John, Lord Justice, 354.  
 Selwyn, Edith, 354.  
 Semple, Lord, 145, 166.  
 Sempill, 6th Lord, Francis, 193.  
 Sempill, Mistress, 169.  
 Session, Court of, 209, 225, 230,  
 271, 297, 299, 306, 448, 451,  
 465, 466, 529, 550, 577.  
 Setons, The, 2, 3, 13, 15, 17, 20,  
 25, 26, 29, 31, 42, 43, 56, 70,  
 75, 80, 85, 100, 107, 112, 127,  
 131, 174, 179, 229, 233, 306,  
 360, 363, 372, 391, 393, 587,  
 598, 621.  
 Setons, Unidentified, 224.  
 Seton, Family of, 2, 3, 4, 15, 25,  
 28, 29, 33, 36, 39, 129, 131, 138,  
 232, 244, 260, 273, 274, 295, 358,  
 369, 376, 377.  
 Seton, House of, 3, 13, 28, 102,  
 164, 182, 207, 331, 343, 344, 345,  
 351.  
 Seton, surname of, 205, 326, 583.  
 Seton, Seal, 53, 64, 408.  
 Seton, Arms of, 53, 64, 619.  
 Seton, Motto, 341, 496.  
 Setons, Aberdeen, 8, 600.  
 Setons, American, 242, 253.  
 Setons, American Parbroath, 239,  
 242, 251.  
 Seton, Lord, 3, 5, 6, 7, 8, 9,  
 21, 22, 104, 106, 209, 212,  
 332, 363, 369, 425.  
 Seton, Adam, Lord of, 61.  
 Seton, George, 1st Lord, 107,  
 111, 113, 114, 115, 116, 110.  
 Seton, George, 2nd Lord, 28,  
 117, 118, 119, 120, 121, 122,  
 123, 128, 189, 321, 349, 350,  
 390.  
 Seton, George, 3rd Lord, 14, 16,  
 23, 122, 124, 125, 127, 128,  
 177, 235, 321, 351.  
 Seton, George, 4th Lord, 15, 17,  
 125, 128, 129, 134, 135, 136,  
 137, 138, 139, 140, 168, 177,  
 259, 260, 269, 321, 363.  
 Seton, George, 5th Lord, 16, 19,  
 28, 125, 137, 138, 139, 141,  
 142, 143, 145, 146, 147, 148,  
 149, 150, 151, 152, 153, 154,  
 155, 156, 157, 158, 159, 160,  
 161, 162, 163, 164, 165, 167,  
 168, 169, 171, 172, 173, 177,  
 191, 225, 229, 259, 262, 264,  
 276, 277, 278, 279, 289, 293,  
 294, 296, 316, 317, 321, 337,  
 342, 419, 424, 434, 497, 499.  
 Seton, Robert, 6th Lord, 172,  
 173, 174, 175, 176, 177, 178,  
 179, 307, 322, 329, 596, 618.  
 Seton, Robert, 7th Lord, 172,  
 180, 182.  
 Seton, George, 8th Lord, 181, 182,  
 187, 189, 192, 194, 195, 229,  
 497, 597.



- Seton, George, 9th Lord, 192, 198, 200, 207, 208, 235.
- Seton, George, 10th Lord, 209, 212.
- Seton, Alexander, Master of Gordon, 383.
- Seton, George, Master of, 166.
- Seton, John, Master of, 116, 117, 118, 137, 236, 321, 349.
- Seton, Robert, Master of, 180, 262.
- Seton, William, Master of, 14, 362, 364.
- Seton, George, Master of Winton, 181.
- Seton, Hon. George, 367.
- Seton, Honble. James, 211, 212, 213.
- Seton, Archbishop, 239.
- Setons of Abercorn, 105, 123, 192, 213, 341, 387, 403, 425, 426, 441, 443, 445, 452, 464, 470, 495, 496, 497, 503, 521, 538, 540, 567, 569, 581.
- Seton, Sir Walter, 1st of Abercorn, 191, 192, 204, 205, 337, 338, 435, 442, 503, 504, 509, 510, 511, 512, 513, 514, 515, 516, 565, 581.
- Seton, Sir Walter, 2nd of Abercorn, 205, 206, 209, 210, 442, 462, 499, 503, 515, 516, 517, 519, 581.
- Seton, Sir Henry, 3rd Bart. of Abercorn, 213, 442, 449, 450, 451, 452, 453, 461, 463, 503, 516, 519, 520, 521.
- Seton, Sir Henry, 4th Bart. of Abercorn, 336, 340, 370, 445, 453, 458, 461, 462, 463, 465, 495, 503, 510, 516, 521, 522, 524, 525, 526, 527, 528, 529, 530, 531, 533, 537, 569, 583.
- Seton, Sir Alexander 5th of Abercorn, 533, 534, 535, 536, 537, 538, 547, 548, 570.
- Seton, Sir Henry James 6th of Abercorn, 468, 469, 538, 539, 540, 541, 542, 547, 570.
- Seton, Sir Charles Hay, 7th of Abercorn, 538, 542, 543, 547.
- Seton, Sir Bruce Maxwell, 8th of Abercorn, 542, 543, 544, 545, 546, 547, 564, 566, 570.
- Seton, Sir Bruce Gordon, 9th Bart. of Abercorn, 29, 123, 194, 225, 301, 338, 445, 456, 469, 470, 494, 503, 508, 510, 519, 545, 547, 556, 562, 563, 564, 565, 566, 567, 568, 570, 572, 575, 576, 577.
- Seton-Stewart, Sir Ranald (MacDonald), 2nd Bart. of Allanton, 491, 492.
- Seton-Stewart, Sir Henry James 3rd of Allanton, 469, 488, 492, 493, 517.
- Seton-Stewart, Sir Alan Henry 4th of Allanton, 469, 492, 493, 494.
- Seton-Stewart, Sir Douglas, 5th Bt. of Allanton, 225, 400, 408, 445, 456, 469, 470, 492, 494, 565, 567.
- Seton-Stewart, Archibald, 492, 493.
- Seton-Stewart, Colin Reginald, 492.
- Seton-Stewart, Sir Reginald, 493, 541.
- Seton-Stewart, Lady Elizabeth, 469, 470.
- Seton-Stewart, Isabella, 470, 492.
- Seton-Stewart, Lillias Margaret, 492.
- Setons of Auchinhuif, 598, 601.
- Seton, John of Auchinhuif, 23.
- Setons of Barnes, 276, 285.
- Setons, Arms of, 288.
- Seton, Sir John of Barns, 155, 166, 182, 242, 262, 276, 277, 278, 279, 280, 281, 282, 283, 284, 288, 315, 316.

- Seton, Sir John 2nd of Barnes, 281, 282, 284.
- Seton, George 3rd of Barnes, 10, 217, 276, 283, 284, 315, 514.
- Seton, Sir John 4th of Barnes, 242, 284, 434.
- Seton, George 5th of Barnes, 285, 286.
- Seton, Colonel James, 6th of Barnes, 286, 288.
- Seton, George of Barra, 594, 595, 598, 600.
- Seton, James of Belshes, 10, 239, 253, 254.
- Seton, David of Blackhall, 265, 271, 272.
- Setons of Blair, 587, 592, 597, 601.
- Seton, William of Blair, 592.
- Seton, James of Bourtie, 601.
- Seton, Lieut.Col. James, of Brookheath, Hants, 287, 288.
- Setons of Cariston, 9, 137, 259, 270.
- Setons of Cariston, Arms of, 275.
- Seton, Christopher of Cariston, 265, 266.
- Seton, George of Cariston, 159, 178, 180, 202, 246, 260, 262, 263, 264, 266, 425, 505.
- Seton, James of Cariston, 10.
- Seton, Sir John of Cariston, 163, 248, 259, 260, 261, 363, 365, 419.
- Seton, George 4th of Cariston, 178, 271, 272.
- Seton, Christopher 5th of Cariston, 269, 270, 271, 274, 274A.
- Seton, George 6th of Cariston, 270, 274, 274A, 328.
- Seton, George 7th of Cariston, 270, 271, 272, 274A.
- Seton, George, Captain, 8th of Cariston, 271, 273, 274A.
- Seton, Major Christopher, 9th of Cariston, 271, 273, 274, 274A.
- Seton, William Carden, Colonel, 10th of Cariston, 266, 274, 274A.
- Seton, Miles Charles, 11th of Cariston, 267, 274, 274A.
- Seton, William Carden of Trekersby, 12th of Cariston, 267, 274, 274A.
- Seton, Miles Charles, 13th of Cariston, 267, 274, 274A.
- Seton, James Nigel, 14th of Cariston, 267, 274, 274A.
- Seton, Sir Malcolm Cotter Cariston, K.C.B., 15th of Cariston, 267, 268, 274, 274A.
- Seton of Cumbria, 65, 75.
- Seton in Derwentward, 37.
- Setons of Disblair, 601.
- Seton, David of Dunbarrow, 239, 251, 252.
- Seton, John of Dunbarrow, 239, 252.
- Seton of Dunfermline, 166.
- Setons of Ekolsund, 515, 581.
- Seton, Sir Alexander of Foulstruther, 322, 323, 326, 329.
- Setons of Gargunnoch, 402.
- Seton, Alexander of Gargunnoch, 425, 426, 429, 442, 500, 503, 504, 505, 506, 507, 510.
- Seytoun, John of Gargunnoch, 402, 403.
- Seton, John Younger of Gargunnoch, 414.
- Seton, Sir John of Gargunnoch, 414, 419, 424, 434, 609.
- Setons of Garleton, 230, 327, 342.
- Setons, Arms of, 348.
- Seton, Sir George of Garlieston, 10, 217, 227, 229.
- Seton, Sir George 2nd of Garlieston, 229, 343, 344, 345, 346.

- Seton, Sir George 3rd of Garlieston, 229, 230, 327, 339, 343, 344, 345, 346, 367.
- Seton, Sir John of Garlieston, 191, 193, 205, 229, 342, 344, 348.
- Seton, Ralph of Garlieston, 228, 229.
- Seton, Alexander of Graden, 433, 442, 501, 503, 504, 507, 508, 511, 581.
- Seton of Grange, 316.
- Seton, William, of Grange, 319, 320.
- Seton of Hailes, 357.
- Seton, Sir George of Hailes, 357.
- Seton, James of Hillside, 239, 253, 254.
- Seton, George of Hiltly & Ekolsund, 581, 582, 583.
- Seton, of Kingston, 192, 331.
- Setons of Kippilaw, 251, 253, 254.
- Seton, Daniel, 1st of Kippilaw, 254, 255.
- Seton, Andrew of Kippilaw, 255.
- Seton-Karr of Kippilaw, Arms of, 258.
- Seton-Karr, Andrew of Kippilaw, 256.
- Seton-Karr, Andrew, 256.
- Seton-Karr, George Bernard, 257.
- Seton-Karr, George Berkeley, 256, 257.
- Seton-Karr, Sir Henry of Kippilaw, 257.
- Seton-Karr, Henry of Kippilaw, 256.
- Seton-Karr, Henry Malcolm, 257.
- Seton-Karr, Heywood Walter, 256.
- Seton-Karr, John of Kippilaw, 255, 256.
- Seton-Karr, Rev. John of Kippilaw, Vicar of Berkeley, Gloucester, 257.
- Seton-Karr, John Archibald, 257.
- Seton-Karr, John, 256.
- Seton-Karr, Kenneth William, 257.
- Seton-Karr, Robert George, 256.
- Seton-Karr, Robert Walter Scott, 257.
- Seton-Karr, Walter John, 257.
- Seton-Karr, Walter Scott, 256.
- Seton-Karr, William George Stewart, 257.
- Seton-Karr, Eleanor Katherine, 257.
- Seton-Karr, Helen Mary, 257.
- Seton of Kyllismure, 166, 316.
- Seton of Kyllismure, Arms of, 320.
- Seton, Sir William of Kylesmure, 166, 316, 317, 318, 319, 366, 425.
- Seton, of Lathrisk, 247.
- Seton, George Younger of Lathrisk, 248.
- Seton, David of Parbroath, 239, 241, 243, 244, 245, 251.
- Seton, James, of Lathrisk, 163, 420.
- Seton, John of Lathrisk, 9, 10, 247, 248, 249, 250, 261.
- Seton, Patrick of Lathrisk, 249, 250.
- Setons of Limfurd, 597.
- Seton, John of Lumphard, 594, 617.
- Setons of Meldrum, 105, 382, 587, 588, 589, 596, 597, 601, 617.
- Seton, Alexander of Meldrum, 424, 588, 589, 590, 592, 597, 598, 601, 617.
- Seton, Alexander fiar of Meldrum, 594, 596, 598, 601.
- Seton, Alexander apparent of Meldrum, 595, 596.
- Seton, Elizabeth of Meldrum, 598, 600, 601.
- Seton, John, of Meldrum, 21, 599, 600.



- Seton, William 1st of Meldrum, 588.  
 Seton, William of Meldrum, 591,  
 593, 594, 597, 599, 600, 601, 602,  
 617.  
 Seton, William younger of Meldrum,  
 588.  
 Setons of Monkmylne, 117, 349, 350.  
 Seton, Alexander of Monkmylne, 349.  
 Seton, Henry of Monkmylne, 349.  
 Seton, John of Monkmylne, 349.  
 Setons of Mounie, 56, 105, 382,  
 587, 601, 605, 617.  
 Seton, Lieut.-Col. Alexander of  
 Mounie, 622, 623.  
 Seton, Alexander David of Mounie,  
 622, 624.  
 Seton, David of Mounie, 622, 623,  
 624.  
 Seton, George of Mounie, 609, 618.  
 Seton, John of Mounie, 595, 596,  
 617, 618.  
 Seton, Margaret of Mounie, 620,  
 621.  
 Seton, William of Mounie, 617, 618,  
 619, 620.  
 Setons of Northrig, 122, 349, 350.  
 Seton, George of Northrig, 350.  
 Seton, Thomas of Northrig, 350.  
 Setons of Northamptonshire, 75.  
 Seton of Olivestob, 328.  
 Seton, Thomas of Olivestob, 182.  
 Seton, Sir Thomas of Olivestob,  
 178, 264, 328.  
 Seton, William of Oudnie (Udny),  
 600.  
 Seton of Parbroath, 6, 96, 127, 232,  
 240, 241, 246, 247, 251, 263, 522.  
 Seton, Alexander of Parbroath, 234,  
 235, 236, 237, 246.  
 Seton, Andrew of Parbroath, 236,  
 237, 238, 239, 241, 251.  
 Seton, Sir George of Parbroath, 239,  
 244, 245, 246.  
 Seton, Sir Gilbert of Parbroath,  
 234, 238, 239, 240, 247.  
 Seton, John of Parbroath, 6, 127,  
 233, 234, 236, 237.  
 Setons of Pitmedden, 105, 382, 587,  
 596, 601, 602, 604, 605, 617.  
 Seton, Sir Alexander 1st Bart. of  
 Pitmedden, 605, 606, 607, 608.  
 Seton, Sir William, 2nd Bart. of  
 Pitmedden, 609, 610, 611.  
 Seton, Sir Alexander 3rd Bt. of  
 Pitmedden, 611, 612, 617, 618.  
 Seton, Sir William 4th Bt. of  
 Pitmedden, 611, 612.  
 Seton, Sir Archibald, 5th Bt. of  
 Pitmedden, 611, 612.  
 Seton, Sir William 6th Bt. of  
 Pitmedden, 611, 612, 613.  
 Seton, Sir William Coote, 7th Bt.  
 of Pitmedden, 613, 614.  
 Seton, Sir James Lumsden, 8th Bt.  
 of Pitmedden, 613, 614.  
 Seton, Sir William Samuel, 9th  
 Bt. of Pitmedden, 613, 614, 615.  
 Seton, Sir John Hastings, 10th  
 Bt. of Pitmedden, 615, 616.  
 Seton, Alexander of Pitmedden,  
 205, 514, 600, 603.  
 Seton, James 4th of Pitmedden,  
 605, 606.  
 Seton, James, of Pitmedden, 8,  
 602.  
 Seton, John of Pitmedden, 188,  
 434, 603, 604, 605.  
 Seton, Daniel of Powderhall, 255.  
 Setons of Preston, 509, 515, 581.  
 Seton, Sir Alexander of Preston,  
 529, 532, 581, 583.  
 Seton, Alexander of Preston &  
 Ekolsund D.L., 585.  
 Seton, Alexander George of Pres-  
 ton, 586.



- Seton, Patrick, Baron of Preston & Ekolsund, 584.
- Seton, James of Rameldrie, 261.
- Seton, George of Reidhall, 425, 426, 504.
- Seton, Bertram, de Ruchelaw, 55, 59, 60, 61.
- Setons of Rutland, 75.
- Seton of St. Germain's, 329.
- Seton, George of St. Germain's, Writer in Edinburgh, 330.
- Seton, Sir John of St. Germain's, 178, 179, 180, 182, 329, 330, 514.
- Setons of Schethin, 587, 601.
- Seton, Sir John, of Seton, Yorks., 64, 76, 79, 96, 97, 98, 107, 109, 110, 111, 113.
- Seton, John of the Slatehouse, 239, 253, 254.
- Seton, William of Slatie or Belhelvie, 594, and his son William, 594.
- Seton, Gilbert of Southwick, 41.
- Setons of Touch, 105, 123, 127, 213, 225, 387, 388, 392, 402, 408, 411, 413, 419, 422, 427, 428, 430, 436, 442, 445, 449, 452, 458, 459, 469, 470, 489, 495, 503, 510, 517, 526, 538, 564, 567, 569, 609.
- Seton of Touch, Arms of, 341, 495, 583.
- Seton-Stewarts, The, of Touch and Allanton, 488, 489, 503, 565.
- Seton, Sir Alexander 1st of Touch, 127, 400, 404.
- Seton, Alexander 2nd of Touch, 394, 402, 411, 449.
- Seton, Sir James of Touch, 6, 154, 155, 205, 422.
- Seton, James 5th of Touch, 205, 423, 424, 426, 427, 432, 442, 448, 500, 501, 503, 504, 514, 518, 526.
- Seton, John 6th of Touch, 425, 426, 428, 429, 430, 431, 432, 442, 500, 503, 504.
- Seton, James 7th of Touch, 426, 429, 430, 431, 432, 442, 503, 504.
- Seton, James 8th of Touch, 400, 409, 426, 431, 432, 433, 434, 435, 442, 452, 460, 503, 504, 514, 597.
- Seton, James 9th of Touch, 435, 436, 438, 442, 460, 461, 503.
- Seton, Archibald 10th of Touch, 10, 212, 216, 217, 225, 439, 440, 441, 442, 443, 444, 445, 447, 448, 452, 453, 455, 461, 462, 463, 464, 466, 470, 488, 489, 503, 521.
- Seton, James 11th of Touch, 444, 447, 448, 449, 450, 452, 459, 488, 489, 495, 503, 521, 524.
- Seton, Elizabeth 12th of Touch, 452, 453, 455, 456, 457, 458, 459, 460, 461, 463, 464, 465, 487, 488, 489, 490, 503, 520, 521, 524, 565, 566.
- Smith (Seton), Archibald, 13th of Touch, 457, 458, 467, 468, 474, 476, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 525, 538.
- Smith (Seton), Barbara, 14th of Touch, 457, 468, 487, 488, 489.
- Stewart, Elizabeth, 15th of Touch, 468, 471, 473, 489, 495.
- Seton, Archibald of Touch, 10, 212, 213, 216, 217, 225, 338, 339.
- Smith (Seton), Hugh, 450, 455, 456, 457, 458, 459, 462, 463, 464, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 487, 489, 490, 492, 520, 525, 526.

- Seton of Touch, Hugh, 343.  
 Seton, John of Touch, 399, 403.  
 Seton, Sir Ninian of Touch & Tullibody, 414, 415, 416, 417, 418, 432.  
 Seton, Sir Walter of Touch & Tullibody, 417.  
 Seton, Sir Alexander of Tullibody, 391, 395, 396, 402, 404, 405, 407, 408, 409, 410, 411, 413, 414, 432, 434, 458, 459, 460, 466.  
 Seton, James of Tullibody, 317.  
 Seton, Sir Walter of Tullibody, 403, 418, 420, 423, 428.  
 Seton, Walter of Tullibody, 163, 416, 419, 432.  
 Seton, Sir Alexander of Touch, Fresel, 24, 127, 394, 402, 409, 412, 413.  
 Seton, Sir John de, of Whitby, Strand & Hinderwell, 73, 75, 76, 77, 78, 79.  
 Seton of Windygoul, 348.  
 Seton of Windygoul Arms, 348.  
 Seton, Sir Robert of Windygoul, 193, 345, 348.  
 Seton, Thomas of Workington & Seton, 38, 41.  
 and of Culvend, 44, 46.  
 Setons of Yorkshire, 42, 74, 75, 85.  
 Seton-Andersons, 621.  
 Seton-Broadbent, James, 344.  
 Seton-Broadbent, Thomas George, 344.  
 Seton-Gordons, The, 105, 371.  
 Seton-Hamilton, Arms, 327.  
 Seton-Macdonald, 488.  
 Seton-Watson, surname of, 273.  
 Seton-Winton, family, 192.  
 Seton, Chancellor, 302, 304, 323.  
 Seton, Seneschallus de, 56.  
 Seton, Sir Alexander, Lord Gordon, 6, 17, 362, 364, 376, 380, 387, 388, 394, 406, 459, 495, 526, 533, 588.  
 Seton, Sir Alexander, 4, 5, 17, 18, 19, 20, 21, 22, 23, 46, 178, 181, 189, 191, 194.  
 Settone, Alexander, primus, 31, 39, 43, 44, 45, 46, 47, 54, 55, 56, 64, 571, 572, 574, 576.  
 Setone, Alexander, Secundus, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 382, 383, 385, 388, 572, 574, 576.  
 Seton, Sir Alexander, tertius, 54, 55, 61, 62, 64, 71, 72, 74, 86, 88, 388, 572, 576.  
 Seton, Sir Alexander, quartus, Defender of Berwick, 5, 55, 72, 73, 74, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 233, 277, 379.  
 Seton, Sir Alexander, quintus, 74, 95, 96, 97, 98, 99.  
 Seton, Sir Alexander, sextus, 96, 97, 98.  
 Seton, Sir Alexander de, 33, 39, 41, 44, 48, 50, 51, 52, 53, 57, 58, 60, 82, 105, 109, 122, 146, 156, 157, 161, 166, 173, 189, 192, 196, 233, 234, 276, 288, 378, 379, 380, 381, 382, 387, 393, 398, 399, 404, 531, 538, 587.  
 Seton, Sir Christopher, 4, 14, 35, 42, 63, 66, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85.  
 Seton, Sir John, 64, 77, 79, 80, 96, 97, 98, 104, 105, 106, 107, 108, 109, 110, 111, 113, 158, 179, 233, 363, 366, 374.  
 Seton, Sir Seher, 46, 47, 54, 55, (Serlone) 57, 58, 59, 61, 62, 63, 64, 71, 73, 74.

- Seton, Sir Thomas, 35, 112, 178, 361, 364.
- Seton, Sir Walter, 399, 499.
- Seton, Sir William, (Baron Lord of Seton 103), 5, 21, 97, 102, 103, 104, 105, 106, 107, 109, 110, 111, 123, 180, 371, 376, 394, 495, 571.
- Seton, Adam de, 52, 54, 60, 64, 71, 75.
- Seton, Mr. Adam, 55, 61, 62.
- Seton, Sir Adam, 373, 374, 377, 394.
- Seton, Alexander de, in Lothian, 38, 40, 41.
- Seton, Alexander de, 41.
- Seton, Benedict de, 41.
- Seton, Bertram (Bartine) de, 45, 46, 53, 54, 59, 61, 71.
- Seton, Dougall de, 25, 30, 43, 45, 46, 47, 53, 55, 57, 58, 59, 62, 116.
- Seton, Hugo de, 56.
- Seton, Ivo de, son of Osbet, 75.
- Seton, Johan de, del Counte de Dumfres, 76, 78, 84, 108.
- Seton, John de, 23, 74, 75, 80, 84.
- Seton, Ninien de, Exempt, 365.
- Seton, Osbert de, 75.
- Settuné, Philip de, 18, 19, 20, 23, 45, 46, 47, 48, 49<sup>(2)</sup>, 50, 51, 54, 55, 56, 58, 64, 100.
- Seton, Richard de, 50.
- Seton, Robert de, 41, 75, 363.
- Seton, Roger de, 56.
- Seton, Thomas de, 44, 45, 46, 47, 50, 52, 55, 56, 74, 95.
- Seton, William de, 41, 56, 74, 100.
- Seton, Alexander Vicar of Bathelnie, 591, 617.
- Chancellor of Aberdeen.
- Seton, Alexander minister at Linlithgow, 510, 581.
- Seton, Henry, Provost of Dirleton Church and Vicar of Aberfoyle, 350, 421.
- Seton, Rev. James, Rector of Aberfoyle, 449, 506.
- Seton, Father James, 301.
- Seton, John, Chaplain, 127, 346.
- Seton, Father Robert, 345.
- Seton, Robert Vicar of Logie, 421, 422, 424.
- Seton, William, minister of Forfar, 250.
- Seton, William minister of Graden, 501, 507, 509.
- Seton, Dr. Alexander, 609.
- Seton, Dr. George Sommers, 254.
- Seton, Dr. Thomas, 367, 609, 611.
- Seton, Dr. Walter Warren, 558, 559, 561, 562, 566, 567, 570, 573.
- Seytoun, Dr. William, 367.
- Seton, Alexander Lord President of the Court of Session, 618.
- Seton, George, Chancellor of Aberdeen, 602, 603, 618.
- Seton, Mr. George, advocate, 25, 212, 233, 246, 272, 273, 274, 274A, 294, 304, 351, 431, 617.
- Seton, Mr. George, 594, 596.
- Seton, Lt.-Col. Alexander, R.E., 547.
- Seton, Colonel Bruce, 538, 541, 547, 548, 549, 550, 551, 555, 556, 570.
- Seton, Col. Bruce Outram, 551, 553.
- Seton, Colonel James, 315.
- Seton, Colonel, 368.
- Seton, Miles Charles, Lieut.-Col., 267.
- Seton, Col. Patrick Baron, 585, 586.
- Seton, Robert Eglinton, Colonel, 269.



- Seton, Sanders, Lieut.-Col, 366.  
 Seton, Lt.-Col. William Bowman, 553.  
 Seton, Major Christopher, 266, 271.  
 Seton, Major George, 622, 624.  
 Seton, Major Henry James, 554.  
 Seton, Major James 92nd Highlanders, 612.  
 Seton, Major Richard Sommers, 254.  
 Seton, Major Winton, 269.  
 Seton, Captain Alexander, 249, 262, 265, 426.  
 Seton, Capt. Alexander Maxwell, 556, 557, 558.  
 Seton, Capt. Charles, 613.  
 Seton, David, Captain, 239, 245, 272, 273, 274, 274A.  
 Seton, Captain George, 274A, 335.  
 Seton, Capt. Henry, 368.  
 Seton, Captain Henry Cariston, 267.  
 Seton, Capt. James, 346, 367, 368, 369.  
 Seton, Captain John, 271, 609.  
 Seton, Captain Michael, bailie of Bruntisland, 252.  
 Seton, Captain Patrick, 249.  
 Seton, Captain Robert, 245, 350, 357, 368.  
 Seton, Captain Thomas, 361, 362, 364.  
 Seton (Seaton), Captain, 265.  
 Seton, Edmund, Lieut. 268.  
 Seton, Lieutenant James Grant, R.N., 254.  
 Seton, John, Lieutenant, 260.  
 Seton, Lieut., 368, 369, 370.  
 Seton, Alexander of Cariston Family, 10.  
 Seton, Alexander, Collector of Excise, Linlithgow, 581, 582.  
 Seton, Alexander, 247, 250, 266, 290, 335, 345, 350, 414, 417, 432, 497, 501, 502, 515, 522, 600.  
 Seton, Alexander, a Calvinist, 368.  
 Seton, Alexandre, ecuyer, 364.  
 Seton, Alexandre, archer, 364.  
 Seton, Alexandre, Homme d'Armes, 364.  
 Seton, Mr. Alexander, alias Ross, 312.  
 Seton, Alexander, Escuyer du Pays d'Ecosse, 112.  
 Seton, Alexander son of Christopher de Seton, 63, 74, 82.  
 Seton, Alexander, son of Philip, 23.  
 Seton, Alexander, magistrate in St. Andrews, 263.  
 Seton, Mr. Alexander, 23, 422.  
 Seton, Alexander Charles, 625.  
 Seton, Alexander George, 542, 585.  
 Seton, Alexander Hay, 569, 578, 579.  
 Seton, Alexander Reginald, 551, 555, 556, 563, 570.  
 Seton, Alexander Wake, 625.  
 Seton, Alexander, 117, 122, 146, 156, 157, 161, 173, 196, 247, 250, 266, 283, 290, 335, 345, 350, 414, 417, 424, 426, 432, 497, 501, 502, 515, 522, 584, 600, 619.  
 Seton, Andrew, Chapman of Alyth, 10.  
 Seton, Andrew, Archer, 364.  
 Seton, Andrew, 244, 248, 263, 346, 367, 424.  
 Seton, Archibald, 117, 128, 335, 337, 417, 420, 437, 438, 449, 450, 451, 584.  
 Seton, Archibald Eardley Cariston, 268.  
 Seton, Arthur, 335.  
 Seton, Augustus St. John, 269.  
 Seton, Basil, 268.



- Seton, Bertram, (Bartine), 45, 46, 53, 54, 59, 60, 71.  
 Seton, Bertram William, 267, 274, 274A.  
 Seton, Bertram Wyndham, 267.  
 Seton, Bruce Eglinton, 269.  
 Seton, Bruce Hugh, 553.  
 Seton, Bruce Lovat, 569, 579.  
 Seton, Carden Henry, Lieut.-Col., 269.  
 Seton, Charles Aldercrantz, 585.  
 Seton, Charles Compton, 552, 553.  
 Seton, Charles Henry, 542, 552, 553.  
 Seton, Charles Henry Cariston, 268.  
 Seton, Charles Monteath, (Dom. Benedict Seton), 558.  
 Seton, Charles, 230, 283, 345, 611, 612.  
 Seton, Mr. Christopher (Christell), 122, 191, 192, 193, 196, 208, 210, 212.  
 Seton, Christopher (Christell) primus, 72, 73, 74.  
 Seton, Christopher (Christell) secundus, 72, 73, 74.  
 Seton, Christopher (Christell) tertius, 73, 85.  
 Seton, Christopher merchant in Methil, 10.  
 Seton, Christopher Bruce, 553.  
 Seton, Christopher, 247, 248, 250, 263, 264, 265, 266, 269, 270, 271, 274, 274A, 342, 345, 368, 369, 417, 420.  
 Seton, David, H.E.I.C.S., Lieut. Governor of Surat, 255.  
 Seton, David, son of David Seton of **Dunbarrow**, 239, 252.  
 Seton, Master David, 120.  
 Seton, David, archer, 365.  
 Seton, David, Burgess of Aberdeen, 244.  
 Seton, David son of John Seton, 253.  
 Seton, David Stewart, Clerk of Fife, 252.  
 Seton, David, 235, 236, 237, 238, 239, 240, 244, 246, 247, 251, 263, 264, 265.  
 Seton (Setton), Denis, archer, 365.  
 Seton, Francis, 192, 196, 330, 350.  
 Seton, Frances Charteris, 254.  
 Seton, George, brother of Lord Seton, 259.  
 Seton (Ceton), George, Archer, 364, 365.  
 Seton, George, saddler, 222, 230.  
 Seton, George William, 625.  
 Seton, George, 117, 192, 194, 196, 212, 249, 265, 272, 273, 283, 284, 286, 335, 349, 350, 383, 385, 438, 440, 441, 443, 444, 449, 462, 515, 519, 521, 529, 583, 585.  
 Seton, Gilbert, 235, 238, 248, 368, 369.  
 Seton, Grant, 253.  
 Seton, Guillaume, archer, 364.  
 Seton, Guillaume, homme d'Armes, 364.  
 Seton, Hannibal, 281.  
 Seton, Henry, son of Gilbert Seton of Parbroath, 240.  
 Seton, Henry Carden, 268.  
 Seton, Henry Winton, 625.  
 Seton, Henry, 271, 272, 273, 349, 368, 369, 382, 385, 596, 613.  
 Seton, Houston & Co., 253.  
 Seton, Hubert Addington Cariston, 268.  
 Seton, Honourable James, 211.  
 Seton, James of Cariston family, 10.

- Seton, James in Rameldrie, 261.  
 Seton, James, archer, 365.  
 Seton, James Alexander, 287.  
 Seton, James, 116, 122, 137, 139,  
     205, 212, 213, 224, 248, 253,  
     254, 261, 270, 271, 272, 286,  
     287, 335, 338, 339, 410, 415,  
     420, 421, 422, 424, 426, 429,  
     444, 504, 518, 531, 538, 593,  
     594, 596, 603, 609, 622.  
 Seton, Jehan (Jean), archer, 112,  
     363, 364, 366.  
 Seton, John, bailie of Tranent,  
     117, 349.  
 Seton, John, tailor, Edinburgh,  
     428.  
 Seton, John, merchant in London,  
     239, 253.  
 Seton, John, Notary Public and  
     Town Clerk of Bruntisland, 252,  
     254.  
 Seton, John, in Urquharts, 238,  
     239, 251.  
 Seton, John, son of David Seton,  
     239, 252.  
 Seton, John, (Virginia), 244.  
 Seton, John, baxter of Kennoway,  
     10.  
 Seton, John, 5, 17, 74, 104, 106,  
     109, 110, 111, 117, 122, 127, 137,  
     146, 156, 157, 161, 166, 173,  
     180, 182, 193, 224, 229, 230,  
     233, 234, 235, 238, 248, 250,  
     255, 265, 319, 329, 335, 339,  
     342, 343, 344, 345, 346, 348,  
     349, 350, 368, 374, 376, 379,  
     421, 592, 609.  
 Seton, Leonard Cariston, 268.  
 Seton, Leonard Miles Cariston, 267,  
     274.  
 Seton, McWilliam, 10.  
 Seton, Matthew, 613.  
 Seton, Monsignor, 233.  
 Seton, Michael in Nether Urqu-  
     harts, 239, 251.  
 Seton, Mungo (Kentigern), 236.  
 Seton, Patrick Baron Frederick,  
     586.  
 Seton, Patrick, archer, 364.  
 Seton, Patrick, exempt, 365.  
 Seton, Patrick, 249, 250, 584,  
     586.  
 Seton, Ralph, 229, 343, 344, 347.  
 Setone, Richard, 5, 50, 84.  
 Seton, Robert James, 616.  
 Seton, Robert, burgess of Stir-  
     ling, 425, 426.  
 Seton, Robert Disraeli Coote,  
     613.  
 Seton, Robert Eglinton, 266,  
     269.  
 Seton, Robert Eglintoun, P. & O.  
     Service, 268.  
 Seton, Robert, baillie of Tra-  
     nent, 349.  
 Seton, Robert Eglinton Douglas,  
     269.  
 Seton, Robert, 11, 116, 122, 139,  
     146, 155, 156, 161, 166, 173,  
     190, 193, 245, 246, 266, 274A,  
     278, 324, 325, 350, 363, 368,  
     463, 504, 507, 519, 522, 524.  
 Seton, Ronald Cariston, 268.  
 Seton, Ronald Miles Cariston,  
     268.  
 Thomas, son of Gospatrick, Lord  
     of Seton, 38.  
 Setone, Thomas, Excyseman, 265.  
 Setone, Thomas, 50, 91, 95, 122,  
     123, 182.  
 Seton, Unert, archer, 365.  
 Seton, Walter, 421.  
 Seton, William Baillie, 585.  
 Seton, William Carden, 266, 268,  
     274A.  
 Seton, William, 622.

- Seton, William Gordon, 553.  
 Seton, William Skene, 622.  
 Seton, William son of Roger de  
     Seton, 37, 41, 56.  
 Seton, William, brother to George  
     Seton of Parbroath, 245.  
 Seton, Wm., son of Wm. Seton, 234,  
     235.  
 Seton, William, 23, 74, 91, 95, 98,  
     100, 105, 107, 122, 166, 193,  
     234, 350, 363, 382, 385, 429,  
     433, 588, 594, 599, 613, 619.  
 Seton, Winton Cariston, 268.  
 "Seton the Paymaster", 11.  
 Seton - archer, 365.  
 Seton, Lady, 151, 176, 519, 526,  
     532.  
 Seton, Agnes, 97, 519, 584.  
 Seton, Agnes Alexandrina, 585.  
 Seton, Aileen Mary, 557.  
 Seton, Alice Eva Elizabeth, 616.  
 Seton, Amy Magdalen, 267.  
 Seton, Anna, 192, 193, 194.  
 Seton, Anna Maria, 538.  
 Seton, Anne, 263, 265, 270, 286,  
     304, 516, 529, 531, 532, 583,  
     584, 610, 622.  
 Seton, Barbara, 64, 336, 346,  
     444, 447, 522, 532.  
 Seton, Beatrix, 138.  
 Seton, Brenda Garnett, 269.  
 Seton, Catherine, 14, 112, 116,  
     122, 620.  
 Seton, Cecilia, 263.  
 Seton, Charlotte, 287, 438, 443.  
 Seton, Christiana (Countess of  
     Dunbar), 103.  
 Seton, Christian, wife of Henry  
     Pitcairn, 240.  
 Seton, Christian, 110, 111, 116,  
     224, 345, 515.  
 Seton, Chrystal Dougal, 613.  
 Seton, Dorothea Eva, 267.  
 Seton, Dorothy Beatrix, 613.  
 Seton, Edith Mary, 268.  
 Seton, Egidia Hay, 579.  
 Seton, Eliza, 613.  
 Seton, Elizabeth, Lady Marischal,  
     192.  
 Seton, Elizabeth Henrietta, 586.  
 Seton, Elizabeth, 192, 212, 213,  
     224, 248, 265, 272, 273, 315,  
     336, 337, 339, 340, 344, 345,  
     374, 376, 377, 382, 444, 448,  
     449, 450, 451, 452, 531, 584,  
     587, 609.  
 Seton, Elsie Madeline, 556, 557.  
 Seton, Elspeth, 261, 421, 422.  
 Setone, Emma, 50, 52.  
 Seton, Emma Alice, 554.  
 Seton, Ethel Susanna, 615.  
 Seton, Ethelreda Hermionie, 269.  
 Seton, Euphemia, 431.  
 Seton, Eva, 268.  
 Seton, Eva Sophia, 615.  
 Seton, Evelyn, 552.  
 Seton, Florence Kate, 615.  
 Seton, Florence Mary, 269.  
 Seton, Frances, 614.  
 Seton, Geillis, 261, 421, 422.  
 Seton, Lady Grissell, 188.  
 Seton, Grizel, 305, 328, 437,  
     438, 443, 462, 515.  
 Seton, Helen, 619, 620.  
 Seton, Helenor, 138, 163.  
 Seton, Lady Henrietta, 189, 312.  
 Seton, Hilda Magdelene, 615.  
 Seton, Irene, 269.  
 Seton, Lady Isabel, 178, 193,  
     291, 292, 297.  
 Seton, Isobel Margaret, 267.  
 Seton, Isabel daughter of George  
     Seton third of Cariston, 246.  
 Seton, Isabel, 263, 304, 336,  
     345, 357, 506, 507, 509, 599,  
     609, 610, 622.



- Seton, Isabella, 620.  
 Seton, Janet, 106, 110, 111, 112,  
 236, 241, 248, 261, 421, 510,  
 522.  
 Seton, Jean, 112, 137, 194, 270,  
 271, 283, 305, 306, 335, 421,  
 422, 553, 609, 610, 620.  
 Seton, Jean Gordon, 569.  
 Seton, Jean Isabel, 625.  
 Seton, Jessie Jane, 622.  
 Seton, Joyce Phoebe, 553.  
 Seton, Katherine, 122, 255, 589,  
 611.  
 Seton, Katherine Marion, 556.  
 Seton, Lena, 269.  
 Seton, Liliias, 305, 438, 443, 444,  
 447, 448, 452, 462, 468, 485.  
 Seton, Lily Mackenzie, 613.  
 Seton, Linda, 269.  
 Seton, Lucy, 438.  
 Seton, Magdalen Frances, 613.  
 Seton, Margaret, Lady of, 99, 100,  
 103, 111, 116, 497, 499.  
 Seton, Margaret de, 57, 98.  
 Seton, Margaret, wife of Thomas  
 Lumsden of Ardree, 240.  
 Seton, Margaret, wife of George  
 Veitch, 253.  
 Seton, Margaret Annie Phoebe, 553.  
 Seton, Margaret, 96, 97, 100, 122,  
 137, 150, 166, 178, 192, 234,  
 245, 248, 261, 262, 264, 269,  
 271, 272, 273, 274A, 304, 328,  
 337, 345, 346, 349, 417, 421,  
 426, 429, 500, 501, 504, 532,  
 581, 582, 583, 584, 585, 599,  
 609, 610, 611, 625.  
 Seton, Marie de, 569, 578.  
 Seton, Mademoiselle de, (Marie),  
 169.  
 Seton, Marie, 8, 140, 141, 149,  
 168, 169, 170, 171, 194, 357.  
 Seton, Marie, necklace, 211.  
 Seton, Marion, 112, 128, 137,  
 141, 177, 321.  
 Seton, Mariot, 245.  
 Seton, Mary, 194, 207, 245, 265,  
 269, 305, 315, 344, 345, 346,  
 516, 585, 611.  
 Seton, Mary Christian, 615.  
 Seton, Mary Dennistoun, 585.  
 Seton, Mary Isabella, 586.  
 Seton, Mary Lucy Ogilvy, 625.  
 Seton, Mary Stuart, 273.  
 Seton, Rachel, 611, 620.  
 Seton, Rose Henrietta Lumsden,  
 613.  
 Seton, Ruth Mary, 552.  
 Seton, Sophia, 305.  
 Seton, Susan, 287.  
 Seton, Violet, 553.  
 Seton, Violet Adela, 552, 553.  
 Seton, Violet Thèrese, 613.  
 Seymour, Jane, 133.  
 Shairp, J. of Houston, 355.  
 Shairp, Christian, 355.  
 Sharp, James, Archbishop of St.  
 Andrews, 201, 202, 265.  
 Sheriff, Gilbert merchant in  
 Prestonpans, 516.  
 Sibbit, David, 261.  
 Siddons, Mrs., 474.  
 Sidmouth, William 2nd Viscount,  
 267.  
 Mary Ursula, daughter of Viscount  
 Sidmouth, 267, 274A.  
 Sievwright, Andrew, 625.  
 Sigrid, 35.  
 Simson, John of Brunton, 270.  
 Simson, Anne, 270.  
 Sinclair, 5th Lord, Henry, 245.  
 Sinclair, Lord, Patrick, 244.  
 Sinclair, Henry of Carlowrie,  
 515.  
 Sinclair, Sir John of Northrig,  
 350.



- Sinclair, Sir Oliver of Rosslyn, 118.  
 Sinclair, Jean, 239, 245, 246.  
 Sinclair, Jonet, heiress of Northrig, 122, 350.  
 Skene, Capt. Alexandor, 548.  
 Skene, David of Petterton, 245.  
 Skene, George of Rubislaw, 355.  
 Skene, Jane, 355.  
 Skene-Tytler, 351.  
 Skene-Tytlers, the, 352.  
 Skene-Tytler, Maurice William, 355.  
 Smith, Charles merchant in Boulogne, 454, 455, 456.  
 Smith, Charles, 457, 472, 489.  
 Smith, James, Clerk of Tranent, 211.  
 Smith, James, bailie of Tranent, 213.  
 Smith, James, 457, 484.  
 Smith, Mr., 534.  
 Smith, Elizabeth, 457, 488.  
 Smith, Liliass, (Lady Stewart of Allanton), 457, 458, 484, 487, 488, 489, 490, 491.  
 Smith, Margaret, 455.  
 Sobieska, Princess Clementina, 454.  
 Solemn League and Covenant, 184, 186, 324.  
 Solicitor, the King's, 216.  
 Solway prisoners, 418.  
 Somerset, Duke of, 133.  
 Somerset, Earl of, 323.  
 Somerville, Lord, 227, 347, 381, 572.  
 Somerville, Hugh, 7th Lord, 138.  
 Somerville, James, 12th Lord, 225, 446.  
 Somerville, Sir Theophilus Kendon, 17th Lord, 225.  
 Somerville, Hugh, Master of, 138, 163.  
 Somerville, Sir Thomas of Carnwath, 382.  
 Somerville, David of Plean, 417.  
 Somerville, Mary, 225, 446.  
 Somners, Mary, 254.  
 Spain, King of, 157.  
 Spanish Viceroy in the Low Countries, (Ferdinand, Duke of Alva), 152.  
 Spanish Ambassador, 158, 279.  
 Spanish Court, 331.  
 Spens, James of Lathallan, 248.  
 Spittell, Jonet, 417.  
 Spottiswood, 294, 302.  
 Stafford, 158, 160, 296, 362.  
 Stein, Robert of Kilbogie, 492.  
 Stein, Katherine, 492.  
 Stevenson, Elizabeth, 221, 222, 224, 227, 347.  
 Stewarts, 9, 11, 14, 102, 131, 179, 214, 215, 340, 607.  
 Stewarts Line, 65, 131.  
 Stewart Kings, 15, 101, 371.  
 Stewart, Lord Edward, 249.  
 Stewart, Esme, Lord of Aubigny, 156.  
 Stewart, John, Lord of Aubigny, 362.  
 Stewart, James, Lord, (Earl of Moray), 7, 173, 424.  
 Stewart, James, Lord Doune, 296.  
 Stewart, John, 1st Earl of Lennox, 14.  
 Stewart, John, 4th Earl of Athole, 15.  
 Stewart, James, see Buchan, Earl of,  
 Stewart, John, Earl of Buchan, 380, 412.  
 Stewart, John, see Buchan, Earl of,

- Stewart, Walter, (Lord Blantyre),  
 243, 244.  
 Stewart, Sir John of Allanbank,  
 455.  
 Stewart, Sir Henry of Allanton,  
 457, 458, 484, 485, 487, 488,  
 489, 490, 491, 495, 538.  
 Stewart, Sir Henry, Bt., 453, 467,  
 468, 484, 489.  
 Stewart, Sir Alan of Darnley, 14,  
 112, 114.  
 Stewart, Andrew of Auchlunkart,  
 585.  
 Stewart, Alexander of Darnley, 14.  
 Stewart, Sir John of Darnley, 361.  
 Stewart, Sir John of Grandtully,  
 Bt., 286.  
 Stewart, Sir Thomas of Grantully,  
 437.  
 Stewart, Sir John of Railstoun,  
 398.  
 Stewart, Sir Mark Mactaggart, Bart.  
 of Southwick, 257.  
 Stuart, Sir Charles, 535.  
 Stewart, David, 16.  
 Stewart, Francis, 178, 357.  
 Stewart, Captain James, 167.  
 Steward, James the, 66.  
 Stuart, Col. John Roy, 619.  
 Stewart, Murdac, 104, 394, 397.  
 Stewart, Annabella, Princess, 15.  
 Stuart, Hon. Anne, 531.  
 Stewart, Anne, 431, 437.  
 Stuart, Lady Charlotte (Duchess of  
 Albany), 454.  
 Stewart, Clementina, 286.  
 Stewart, Elizabeth daughter of  
 James VI., 365.  
 Stewart, Elizabeth Margaret, 457,  
 485, 487, 488, 489, 490, 491,  
 492, 541.  
 Stewart, Grizel, 599.  
 Stewart, Isobel, 375.  
 Stewart, Janet Mactaggart, 257.  
 Stewart, Jean, 15.  
 Stewart, Margaret Princess,  
 see Margaret.  
 Stewart, Lady Margaret, 14,  
 107, 322, 394, 398.  
 Stewart, Margaret, 343, 386.  
 Stewart, Maria Isabella, 585.  
 Stewart, Mary, 15.  
 Steylaord, Adrian in Holland,  
 163.  
 Stirling of Glorat, Family of,  
 319.  
 Stirling, Charles of Kippendavie,  
 440.  
 Stirling, Sir Archibald of Keir  
 and Garden, 437, 440.  
 Stirling, James of Keir, 440.  
 Stirling, John of Keir, 448.  
 Stirling, James of Redhall,  
 449.  
 Stirling, Sir Thomas Bart. 531.  
 Stirling, Sheriff of, 392, 408,  
 439, 448, 459, 490.  
 Stirling Castle, Captain of,  
 420.  
 Stirling, Colonel, 523.  
 Stirling, James, 448, 450, 451,  
 462, 463.  
 Stirling, Agnes, 319.  
 Stirling, Lady Anne, 318.  
 Stirling, Elizabeth, 437.  
 Stoddart, Mr. John, notary, 213.  
 Stolberg, Princess Louise of,  
 475, 476.  
 Strathbolgi, David de, Earl of  
 Athol, 373, 377.  
 Strathearn, Gilbert, Earl of,  
 49.  
 Suffolk, Duke of, Charles Brandon,  
 415, 418.

- Sunderland, Marmaduke Brian, 552.  
 Sunderland, Bridget Mary, 552.  
 Sunderland, Katherine Anne, 552.  
 Sunderland, Phyllis Joan, 552.  
 Surat, Governor of, 255 (Daniel Seton).  
 Surrey, Earl of, Thomas, 127.  
 Sutherland, 10th Earl of, John, 137.  
 Sutherland, Alexander of Duffus, 588.  
 Sutherland, Muriella, 588.  
 Suttie, Sir George, of Balgowan, 286.  
 Suttie, Sir James of Balgowan, 285, 286.  
 Suttie, Anne, 286.  
 Sweden, King of, 262, 586.  
 Swedish, Army, 185.  
 Swedish Crown, 262.  
 Swiney, General George, 553.  
 Swiney, Elizabeth, 553.  
 Swinno, Raulph, (a notorious thief), 278.  
 Swinton - , 261.  
 Swinton, Family of, 373.  
 Sybald, Duncan, 63.  
 Sykes, Arthur Frank Seton, 552.  
 Sykes, Charles Mortimer, 552.  
 Sykes, Edward Molesworth, 552.  
 Sykes, Geoffrey Richard, 552.  
 Sykes, General Percy Molesworth, 552.  
 Sykes, Elinor Grace, 552.  
 Sykes, Rachel Mary, 552.  
 Tailbots or Talboys, Ivo de, 36, 41, 1st Baron of Kendal.  
 Teviot, Lord, 285.  
 Thirlestane, John Lord, 180, 292, 298, 300.  
 Thistle, Knight of the, 314, (Dunfermline).  
 Thomson, Thomas, Edinburgh, 537.  
 Thomson, Agnes, 584.  
 Thompson, Mary, 556.  
 Thorburn, William, Esq., 257.  
 Thorburn, Jane, 257.  
 Throckmorton, 146.  
 Tilly, 366.  
 Tippoo, 479.  
 Tods, Murray & Jameson, 566.  
 Torphichen, Lord, 220.  
 Torphichen, Master of, 94.  
 Torphichen, Preceptor of, see Lindsay, Sir Walter.  
 Towers, Sir Alexander, 191, 342.  
 Towers, Sir James of Innerleith, 417.  
 Towers, Sir John, 191.  
 Towers, John, 191.  
 Townsend, Col. J. 550.  
 Traquair, 2nd Earl of, 194, 308.  
 Traquair, Sheriff of, 392.  
 Treasurer's Department, 243.  
 Treby, William de, 38, 41, 77, 79.  
 Treby, Christian de, 35, 75, 77, 78, 79.  
 Troup, General Colin, 269.  
 Troup, Bessie, 269.  
 Treenevin, Bishop of the Picts, 497.  
 Tucker, Lieut. R.A., 269.  
 Tudor, Edward, 133.  
 Tudor, Margaret, 119, 126, 132.  
 Turks, The, 558.  
 Turnbolls, 401.  
 Turnbull, Anna, 330.  
 Turnbull, Elizabeth, 401, 403.  
 Turnbull, Janet, 402, 414.  
 Turner, Alfred of Daysbrook, 625.  
 Turner, Emily, 625.  
 Tweeddale, family of, 292.  
 Tweeddale, Lord, 199, 205.  
 Tweeddale, 1st Marquis, John, 310.

- Tweeddale, 1st Earl of, John, 305, 310, 311, 336, 513.  
 Tweeddale, 2nd Earl of, John, 310, 311, 313.  
 Tytler, 127, 351, 352.  
 Tytler Arms, 351.  
 Tytler, James of Woodhouselee, 355.  
 Tytler, William of Woodhouselee, W.S., 352.  
 Tytler, Alexander, 353.  
 Tytler, Alexander, W.S., 351, 352.  
 Tytler, George Michael, 355.  
 Tytler, James Stuart, 355.  
 Tytler, Patrick, Historian, 353.  
 Uchtred son of Fergus, Lord of Galloway, 35, 36, 41.  
 Urquhart, Lord (Alexander Seton), 281, 291, 292, 296, 297.  
 Urquhart, John of Craigfintry, 601.  
 Urquhart of Meldrum, Family of, 587, 598, 601.  
 Urquhart, Patrick of Meldrum, 601.  
 Valence, Aymer de, Earl of Pembroke, 81.  
 Vallis Caulium, Order of, 289.  
 Vallonis, Philip de, Chamberlain, 49.  
 Vane, Sir Harry, 332.  
 Veitch, George, 253.  
 Vetere Ponte, de, family of, 234.  
 Vipont, Alan de, Governor of Lochleven Castle, 234.  
 Vipont, Mary, 234.  
 Vicsi, Baiamund de, 498.  
 Victoria, Queen, 469, 493, 540, 541, 552.  
 Von Goeben, 614.  
 Wade's Horse, 609.  
 Wahull, de, 65.  
 Waldene, Lord of Allerdale, 34, 35, 36, 37, 77.  
 Waldene son of Gospatriok of Inverkeithing and Dalmeny, 33, 34, 35.  
 Wales, Prince of, 560.  
 Wake, Baldwin, 622.  
 Wake, Anne Lucy, 622.  
 Walkinshaw, Charlotte, 475, 476.  
 Walkinshaw, Clementina, 454, 475, 476.  
 Walkinshaw, John of Barrowfield, 454.  
 Wallace, Sir William of Craigie, 313, 314.  
 Wallace, Peroy, 554.  
 Wallace, William, 67, 68, 69, 80, 86, 401, 498.  
 Wallace, Marie, 554.  
 Wallenstein, 366.  
 Walpole, 222.  
 Walsingham, 158, 160, 164, 278, 279, 296.  
 Walter, son of Alan, 44.  
 Walter, the Fleming of Wahull, 36, 65.  
 Walter, 6th High Steward of Sootland, 101.  
 Warbeck, Perkin, 119.  
 Wardlaw, Nicolace, 241.  
 Watson of Athernie, 266.  
 Watson, Robert William, 273.  
 Watson, William of Ayton, Perthshire, 273.  
 Watson, Helen, 266.  
 Watts, J. of New York, 531.  
 Watt, Messrs. R. & J. 528.  
 Wauchope, Andrew of Niddry-Marischal, 346.  
 Wauchope, Barbara, 346.  
 Wauchope's Regiment, 367.  
 Webb, W., C.P.R. 269.



- Wedderburn, Sir Alexander 2nd Bt.  
 of Blackness, 609.  
 Weir, Lady Katherine, 433, 435.  
 Wellesley, Lord, 486.  
 Wemyss, Earl of, 228, 347, 546.  
 Wemyss, Sir John 2nd of Bogie, 516,  
 520, 521.  
 Wemyss, Sir James 3rd of Bogie, 516,  
 521.  
 Wemyss, Sir John, 262.  
 Wemyss, Barbara, 516, 521.  
 White, (Quhit) Henry, 428.  
 White, (Quhit) John, 428.  
 Whitelaw, Alexander, 146.  
 Widdrington, Lord, 221.  
 Wigton, Earl of, (Archibald Doug-  
 las), 361.  
 Wigton, 4th Earl of, William, 312.  
 Wigton, Sir John de, 76.  
 Wilhelm I Kaiser, 614.  
 Wilkiesone, Alexander, 213.  
 William, the Conqueror, 32, 33, 42,  
 507.  
 William the Lion, 18, 23, 37, 47,  
 48, 50, 51, 54, 59, 60, 71.  
 William of Orange, 216, 335, 357,  
 462, 517.  
 Williams, Henry, 356.  
 Williams, Florence, 356.  
 Willock, the Reformer, 145.  
 Wilson, - W.S., 508.  
 Winchester, Earl of, Roger, 58, 63,  
 83.  
 Winchester, Countess of,  
 see Margaret.  
 Wintle, Vivyan, 273.  
 Winton, Family of, 60, 205, 228.  
 Winton, Earl of, 9, 15, 172, 280,  
 445.  
 Winton, Earls of, 29, 172, 229.  
 Winton, Earl of, Henry, 193.  
 Winton, Earl of, Roger, 30, 57, 58.  
 Winton, Robert 1st Earl, 165,  
 172, 173, 175, 176, 177, 179,  
 180, 206, 207, 265, 321, 322,  
 328, 329, 497, 618.  
 Winton, Robert 2nd Earl of, 172,  
 177, 179, 180, 182, 183, 185,  
 186, 187, 188, 189, 190, 191,  
 193, 207, 263, 281, 282, 321,  
 329, 497.  
 Winton, George 3rd Earl of, 16,  
 28, 29, 58, 172, 178, 181,  
 183, 192, 193, 194, 198, 199,  
 207, 208, 229, 264, 284, 306,  
 307, 321, 327, 331, 336, 337,  
 342, 344, 348, 357, 368, 433,  
 434, 445, 497, 499, 531, 533,  
 605, 606.  
 Winton, George 4th Earl of, 29,  
 57, 172, 196, 198, 199, 200,  
 201, 202, 203, 204, 205, 206,  
 207, 208, 209, 211, 214, 215,  
 216, 217, 218, 219, 221, 222,  
 223, 224, 225, 227, 229, 230,  
 231, 321, 327, 334, 337, 338,  
 339, 435, 444, 497, 499, 511,  
 514, 518.  
 Winton, George 5th Earl of, 10,  
 172, 208, 209, 211, 212, 213,  
 214, 215, 229, 230, 285, 327,  
 337, 338, 347, 441, 444, 445,  
 518, 567.  
 Winton, George, 6th Earl of,  
 327, 343, 344.  
 Winton, Master of, 180.  
 Winton, George, Master of, 181,  
 322.  
 Winton, Countess of, 190, 261,  
 332.  
 Winton, 4th Countess of, 261.  
 Wyntoun, Lord George, 101.  
 Wyntoun, Lord William, 101.  
 Winton, Alan de, 57, 97, 98, 99,  
 100, 101, 103, 111.

Wintoun, Christian de, 111.  
 Winton, Hugo de, 99.  
 Wyntoun, John, 101.  
 Winton, Robert de, 99.  
 Winton, Thomas de, 99.  
 Wintoun, William of, 100, 101, 103.  
 Wishart, George, 131.  
 Wood, Sir Andrew, 119.  
 Wood, General Sir Henry Hastings  
     Affleck, 615.  
 Wood, John, 29.  
 Wood, Patrick, of Bonytoun, 241.  
 Wood, Patrick, 241.  
 Wood, Eva, 615.  
 Woodhouselee, Lord, 353, 356.  
 Wymondham, Adam, 100.  
 Wyndham, Eleanor, 267.  
  
 Yeatmen-Biggs, William, 552.  
 Yeatman-Biggs, Barbara, 552.  
 Yester, Lord Hengo, 61.  
 Yester, Lord, 164, 506.  
 Yester, Lord, 164.  
 Yester, John 3rd Lord, 259.  
 York, Duke of, 203.  
 York Building Company, 226, 228,  
     347.  
 Young, Dr. Thomas, 609.  
  
 Zouch (Souch) Alan de la, 59, 72,  
     95.  
 Zucull, Nicholas, 100.

II. - INDEX of PLACES.

- Abercorn, barony of, 191, 336, 497,  
 498, 499, 511, 512, 515, 529.  
 Abercorn, Dominical lands of, 191,  
 498, 500.  
 Abercorn, Vicaria, 498.  
 Abercorn, Church lands of, 498.  
 Abercorn, Newton of, Burgh of, 191,  
 500.  
 Aberdeen, Canonry of, 596.  
 Aberdeen, Cathedral of, 617.  
 Aberdeen, City of, 95, 244, 385,  
 587, 589, 602, 604, 605, 606,  
 619.  
 Aberdeen, Diocese of, 594.  
 Aberdeen, St. Nicholas Church, 378.  
 Aberdeen, University, 606, 621.  
 Aberdeen, King's College, 329.  
 Aberdeenshire, 95, 352, 383, 411,  
 571, 587, 588, 601, 602, 607,  
 610.  
 Aberlady, barony of, 498.  
 Aberlady, Church lands of, 498.  
 Abraham, Heights of, 523.  
 Abyssinia, 477.  
 Abyssinian Campaign, 614.  
 Aboyne, lands, 378, 382, 383, 393,  
 394, 396.  
 Acre, 71.  
 Addinstoun, (Greendykes), 207.  
 Addiscombe, 551, 555.  
 Afghanistan, 267.  
 Afghan War, 613, 615.  
 Agincourt, Battle of, 107.  
 Ainslie's Tavern, 148.  
 Albany, County of, 527.  
 Aldourie, Estate of, 353.  
 Alexandria, 477, 481.  
 Alford, Battle of, 9.  
 Allanton, 458, 468, 490, 491,  
 493, 494, 495.  
 Allerdale, 32, 33.  
 Allethene, lands of, 602, 604,  
 607.  
 Alloa, 494.  
 Alnwick, 26, 114, 373.  
 Altham, lands of, 109.  
 America, 244, 253, 452, 464,  
 474, 523, 531, 613.  
 American Lands, 527.  
 American War of Independence,  
 266, 271.  
 Anerley, London, 556.  
 Angus, 236, 238, 383.  
 Annan, 90.  
 Annandale, lands in, 69, 78, 79,  
 80, 83, 117.  
 Antoninus, Wall of, 497.  
 Appin, Estate of, 471, 473, 483.  
 Appleby, Castle of, 37.  
 Arbroath, 6, 88, 384.  
 Arbroath, Abbey of, 63.  
 Ardendrach, place of, 589.  
 Ardrossan, lands of, 316.  
 Ards, lands of, 241.  
 Argentine Republic, 585.  
 Arnes, lands called, 439.  
 Athelstaneford, half lands of,  
 191, 193.

- Athelstaneford, 342, 345, 346.  
 Athelstaneford, parish, 346.  
 Athelstaneford, barony, 191.  
 Atholl, 81, 140, 251.  
 Auchinhuif lands of, 588.  
 Auchlevin, lands of, 21, 592.  
 Auchmoir, lands of, 602, 603.  
 Auld Bourtie, 603.  
 Auldhamstocks, 191.  
 Auld Meldrum, lands of, 588, 593, 604.  
 Auquhorties, 618.  
 'Australia, 267, 268, 492, 569.  
 Ayr, 201.  
 Ayrshire, 165, 201, 316.  
 Ayton, 119.  
  
 Badajoz, 266.  
 Badenoch, lordship of, 384.  
 Balbirnie, lands of, 236.  
 Balcarnie, lands of, 588.  
 Ballindera, lands of, 238.  
 Ballinkirk, estate of, 259.  
 Balnain, estate of, 353.  
 Banff, 401.  
 Bankton, 178.  
 Bankton House, 328.  
 Bannockburn, Battle of, 4, 5, 67, 87, 88.  
 Bannockburn House, 454, 455, 456, 472.  
 Bannockburn Estates, 454, 455, 457, 483.  
 Barns, lands of, 18, 19, 20, 23, 94, 106, 108, 120, 123, 124, 125, 276, 281, 284, 286.  
 Barns East, 116, 182, 276.  
 Barns Wester, 182, 276.  
 Barns, Castle of, 276.  
 Barns, barony of, 120, 277, 288.  
 Baroda, 256.  
 Barra, lands of, 595, 596, 600, 602, 603, 604.  
  
 Bassenthwaite, 77.  
 Bath, 487, 538, 539, 542, 548.  
 Batheline, lands of, 593.  
 Beauge, 107, 111, 360, 361, 380.  
 Beauley, Serjeanty of, 33.  
 Bedford, 615.  
 Beth (Beith) (Fife), 50.  
 Beeth Fleming, land of, 52.  
 Behar, 485.  
 Beldygordon, lands of, 377.  
 Belgaum, 256.  
 Bellingham, 230.  
 Belshes (Belsis) lands of, (Haddingtonshire), 253.  
 Bengal, 256, 480, 485, 486, 533, 535, 538, 563.  
 Bergen of Zoom, Siege of, 270.  
 Berwick, 5, 67, 73, 74, 76, 79, 86, 88, 89, 90, 91, 92, 93, 95, 98, 132, 146, 147, 151, 185, 325, 392, 607.  
 Berwick, lands of, 33.  
 Berwick, Siege of, 4, 5.  
 Berwick, Pacification of, 185, 332.  
 Berwickshire, 95, 329, 371, 373, 383, 406, 429, 571.  
 Besancon, 199.  
 Bethlehem Hospital, 582.  
 Bhagalpur, 485.  
 Binning, Easter, 134.  
 Binns, lands of, 191, 499.  
 Bir-el-jedid, 478.  
 "Birkenhead" H.M.S. 623.  
 Blackhall, lands of, 265.  
 Blackhill, lands of, 454.  
 Blackness, Castle, 135.  
 Blair, lands of, 592.  
 Blelok, lands of, 241.  
 Bologna, 300.  
 Bologna, University of, 592.  
 Bombay, 256, 477, 478, 480, 538, 549, 550, 555.



- Bonhard, Estate, 509.  
 Bonhard, Coal pits, 514.  
 Bo'ness, 510, 529, 530.  
 Bonnington, 509.  
 Bonside, 509, 514.  
 Borders, The, 5, 6, 119, 126, 132,  
     133, 173, 185, 187, 302, 317,  
     333, 359.  
 Border Counties, 317.  
 Borders, Justiciary of, 318.  
 Borthwick Castle, 148.  
 Bothwell, Brig, 9, 202, 264, 265.  
 Boulogne, 464, 483.  
 Boulton, 77.  
 Bourtie, lands of, 596, 602, 604.  
 Boyne, forest of, 384, 386, 394,  
     395, 398, 406, 572.  
 Braemar, 216, 339.  
 Brechin, 6.  
 Brechin Castle, 156, 278.  
 Brechin, Battle of, 382, 385, 588.  
 Breda, 309.  
 Bridgeness, 530, 531.  
 Brighton, 563, 564, 568.  
 British Museum, 29, 166, 194, 383,  
     558.  
 Bruchtie, Castle of, 238.  
 Bruntisland, 252.  
 Brussels, 106.  
 Buchan, Earldom of, 115.  
 Bulgaria, 579.  
 Burgundy, 113, 289.  
 Burma, 267.  
 Burma War, 269.  
 Burnoastle, lands of, 409.  
 Bute, 254.  
 Byres, barony of, 342.  
  
 Cairo, 477, 480, 481.  
 Calais, 352.  
 Caloutta, 273, 485, 534, 536, 538.  
 Callo, 248.  
  
 Cambridge, St. John's College,  
     357.  
 Cambridge, 580.  
 Cambuskenneth, 87, 390.  
 Cambuskenneth, Abbey of, 400.  
 Canada, 267, 523, 527.  
 Cape The, 584, 623.  
 Cape Danger, 623.  
 Carbery Hill, 149, 160, 169.  
 Cariston (Carraldstoun), Estate  
     of, 259, 260.  
 Carlaverocke, barony of, 82.  
 Carlisle, Castle, 68, 83.  
 Carlisle, 151, 170, 270, 352.  
 Carolina, South, 464, 525.  
 Carriden, 497, 509, 531.  
 Carriden, Little, 514.  
 Castle on the Hill (Dunbar), 31.  
 Cauldcoats, lands of, 191, 500.  
 Cavers, 379.  
 Cello, 369.  
 Ceylon, 585, 586.  
 Charlestoun, 525.  
 Charlton King's Parish Church,  
     551, 554.  
 Chatham, 606.  
 Chatsworth, 170.  
 Chelsea Hospital, 623.  
 Cheltenham, 550, 551.  
 Cheltenham College, 551, 553,  
     555.  
 Chevy Chase, 5.  
 China, 267, 550.  
 China Fleet, 480.  
 Chittledroog, 479.  
 Christell's Chapel, 81.  
 Clapham, German College, 543.  
 Clentis, lands of, 116, 134, 182.  
 Cluny, lands of, 378, 382, 393,  
     394, 396.  
 Cockenzie, 20, 177, 182, 190,  
     204, 226, 227.

- Cokeham Manor, 192.  
 Collairnie, Castle, 246.  
 Collessie, Church of, 63.  
 Commerton, lands of, 37.  
 Cornie, burn of, 497.  
 Corrichie, 7, 352.  
 Corstorphine, 532.  
 Coventry, frigate, 477.  
 Craig, lands of, 603.  
 Craigie, Forest of, 393.  
 Craigiehall, lands of, 331, 336.  
 Crammok, lands of, 401.  
 Cramond, Churchlands of, 498.  
 Crevant, 112, 361, 362, 364.  
 Crieff, Parish Church of, 232.  
 Cromlat, lands of, 588.  
 Culbeg, lands of, 528, 529, 532.  
 Culcreuch (Kilcreuch), 500, 501, 505, 508, 511.  
 Culcreuch, Wester Mains of, 426.  
 Culloden, 2, 10, 20, 95, 251, 270, 360, 454.  
 Culross, Abbey, 136.  
 Culross Burgh, 530.  
 Culwen (Colvend) Lordship of, 38.  
 Culwen, lands, 44.  
 Cumberland, 27, 32, 33, 36, 74, 76, 77, 78, 82.  
 Cumberland Lordship, 44.  
 Cumbria, 27, 36, 37, 38, 39, 40, 42, 44, 49.  
 Cupar, 232, 272.  
 Cushnie, Estate of, 614, 616.  
 Dalgetie, barony, 285, 289, 291, 305.  
 Dalgetie, Church of, 291, 304, 306, 312, 568.  
 Dalkeith, lands in, 137, 604.  
 Dalkeith Castle, 185.  
 Danzig, 263, 582, 609.  
 Daviot, parish of, 617.  
 Dee, Bridge of, 8, 188, 434, 604.  
 Deeside, 345, 378.  
 Delhi, 486.  
 Denmark, 174.  
 Dillecarew, 4, 74.  
 Dingwall, 390.  
 Dirleton, parish of, 331.  
 Dolphinton, lands of, 501, 507.  
 Dorset, County of, 542.  
 Douai, Scots College at, 193, 248, 343, 345, 346, 348, 367, 368, 369, 596.  
 Dover, 475.  
 Dover Castle, 467.  
 Drayton, (Northamptonshire), 49.  
 Drem, 498.  
 Dripps, the, 406.  
 Drumclog, 202.  
 Drumelzier, House of, 225, 446.  
 Drumelzier Estate, 392.  
 Drummond's Banking House, 473, 482, 484.  
 Drumrossy, lands of, 592.  
 Dublin, 271.  
 Duddingstoun, lands of, 191, 498, 499.  
 Dulsing Serai Indigo estate, 536, 538.  
 Dumbarton, Castle, 150, 156, 185, 241, 325, 332.  
 Dumbartonshire, 429.  
 Dumfries, 4, 81, 218.  
 Dumfries, Minorite Chapel at, 70.  
 Dumfriesshire, 77, 80.  
 Dunbar, 33, 67, 148, 160, 187, 196, 199, 339, 343.  
 Dunbar Castle, 144.  
 Dunbarrow, lands of, (Fife), 251.  
 Dunblane, Diocese of, 421.  
 Dunbreck, lands of, 603.  
 Dundalk, 88.  
 Dundas, Lordship of, 95.  
 Dundas, lands of, 109, 137.

- Dundee, 67, 145.  
 Dunedin Cottage, 532.  
 Dunfermline, 114, 187, 240, 250,  
 289, 299, 309, 311, 447, 530.  
 Dunfermline Abbey, 51, 52, 63, 289,  
 292, 293.  
 Dunfermline Abbacy, 307.  
 Dunfermline Bailiary, 292, 298, 307.  
 Dunfermline Burgh Records, 303.  
 Dunfermline Earldom, 3, 10, 286,  
 287, 290, 300, 315.  
 Dunfermline Grange, 311.  
 Dunfermline Lordship, 243, 298.  
 Dunfermline Monastery, 48.  
 Dunfermline Priory, 290.  
 Dunfermline Regality, 264, 292,  
 298, 307.  
 Dunfermline Vault (Dalgety Church),  
 568.  
 Dunipace, 423.  
 Dunkeld, 140, 314.  
 Dunkeld, Diocese of, 498.  
 Dunkirk, 120, 314.  
 Dunnottar Castle, 561.  
 Dunrobin, 137.  
 Duns, Castle, 167, 446.  
 Duns, 185.  
 Duns, Law, 185.  
 Duntarvie, lands of, 191, 499.  
 Dunveg in Isla, 302.  
 Dupplin, 90.  
 Dupplin, battle of, 393.  
 Durham, 27, 70, 74, 76, 82, 103,  
 308, 344, 381, 527.  
 Durham, Battle of, 96, 102.  
 Durham House, Chelsea, 545, 546.  
 Dysart, 246.  
 Ealing, 559.  
 Eastfield, 514.  
 East Fortune, 129.  
 East Lothian, 31, 86, 87, 189.  
 Ecaster, lands of, 232.  
 Edinburgh, 29, 116, 122, 131,  
 136, 145, 148, 154, 161, 174,  
 175, 186, 187, 201, 203, 209,  
 210, 216, 220, 221, 226, 230,  
 240, 252, 295, 299, 300, 305,  
 311, 312, 313, 324, 325, 332,  
 339, 346, 411, 421, 435, 437,  
 440, 442, 455, 467, 469, 474,  
 492, 506, 509, 511, 512, 517,  
 520, 522, 523, 530, 532, 575,  
 579, 604, 608.  
 Edinburgh Castle, 10, 96, 99,  
 113, 114, 119, 146, 151, 154,  
 174, 185, 195, 242, 313, 315,  
 325, 333, 339, 343, 424, 561,  
 591.  
 Edinburgh, Tolbooth, 143, 195,  
 240, 253, 366, 596.  
 Edinburgh, High Street, 169.  
 Edinburgh Brewery, 519, 522.  
 Edinburgh, Burghmuir, 129.  
 Edinburgh, Burning of, 103.  
 Edinburgh, University, 353, 355.  
 Edinburgh, Oliphant's Close,  
 609.  
 Edinburgh, Robertson's Close,  
 520.  
 Edinburgh, Seton's Close, 609.  
 Egill, The, 120.  
 Eglingham, lands of, 33.  
 Eglinton, Earldom of, 322, 323,  
 326.  
 Eglinton Castle, 326.  
 Ekolsund, Estate of, 582, 583,  
 586.  
 Elgin, 67, 373.  
 Elgin, house in, 290, 296.  
 Elgin Cathedral, 388.  
 Elphinstone, Barony of, 95.  
 Engagement The, 325.

- England, 4, 5, 8, 25, 26, 27, 28, 37, 42, 45, 65, 67, 68, 70, 88, 89, 93, 102, 103, 104, 108, 114, 126, 127, 132, 133, 147, 148, 150, 154, 157, 167, 175, 183, 184, 185, 186, 187, 190, 192, 197, 198, 199, 200, 202, 203, 218, 235, 245, 299, 300, 314, 324, 325, 332, 358, 359, 360, 380, 381, 382, 393, 418, 476, 482, 483, 512, 517, 536, 538, 552, 571, 580, 584, 607, 625.  
 Enzie forest of, 384, 386, 394, 395, 398, 406, 572.  
 Esk, bridge over, 129.  
 Etal, 127.  
 Eton, 494.  
 Ettrick, 69.  
 Ettrick Forest, 280.  
 Europe, 359, 360, 480, 559.  
  
 Falkirk, 68, 69, 112, 498.  
 Falkland, 242, 244, 265.  
 Faunes, lands of, 427.  
 Fauside, estate, 61, 95, 135, 407.  
 Fauside, Over and Nether, 428.  
 Fettercairn, 604.  
 Fife, 220, 232, 234, 237, 241, 260, 401.  
 Flanders, 151, 152, 155, 166, 271, 286.  
 Fleet (Flete) prison, 76.  
 Flemingby or Flimby, Estates of, 37.  
 Flodden, 6, 15, 16, 19, 116, 126, 127, 130, 131, 133, 164, 236, 237, 260, 351, 359, 401, 413, 415, 458, 460, 507.  
 Fochabers, 290.  
 Fogo, lands of, 374, 377, 407.  
 Forbes, Lordship of, 421.  
 Ford, 127.  
 Fordale, 401, 414.  
  
 Forfar, 51, 232, 237.  
 Forgandenny, (Perthshire), 248.  
 Forresterstead, lands, 415.  
 Fort Augustus, 558.  
 Forth, The, 146, 190, 220, 298, 390, 401, 440, 497, 509, 514.  
 Fotheringhay, 150.  
 Fothirtie, lands of, 411.  
 Foulden, lands of, 329.  
 Foulstruther, lands of, (East Lothian), 259, 322.  
 France, 7, 8, 14, 26, 28, 67, 101, 102, 107, 108, 110, 112, 113, 127, 131, 132, 133, 135, 140, 141, 142, 143, 146, 147, 151, 154, 155, 157, 158, 159, 160, 161, 167, 168, 169, 170, 173, 192, 198, 210, 227, 238, 244, 260, 261, 295, 308, 319, 331, 332, 335, 345, 346, 350, 351, 352, 358, 359, 360, 363, 365, 367, 379, 380, 383, 454, 597.  
 France, Northern, 614.  
 Franco-Prussian War, 614.  
 Fraser, lands, 378, 571.  
 Fraser, Tower, 408, 413, 473.  
 Fraserburgh, town of, 291.  
 Frew, ford of, 401.  
 Fruid, estate, 392.  
 Fyvie, (Formartin), barony of, 285, 289, 290, 291, 297, 311.  
 Fyvie Castle, 303.  
 Fyvie, 312, 313, 315, 588.  
 Fyvie, Lordship of, 312.  
  
 Gallipoli, 269.  
 Galloway, 69, 76, 201, 597.  
 Gallowscruik, lands of, 191, 499.  
 Gamelsby, ville of, 76, 80.  
 Gammylstoun, lands of, 136.  
 Gardner's House, 328.  
 Gardush, lands of, 454.



- Gargunnoch, lands of, 400, 401, 402, 403, 413, 414, 419, 423, 425, 436, 439, 461, 504, 505, 529.  
 Gargunnoch, parish of, 528.  
 Gargunnoch, Hillhead of, 439.  
 Garioch, 70, 312, 587, 588, 602.  
 Garleton, Estate of, 342, 346, 347, 348.  
 Garleton Hills, 276.  
 Garmilton-Noble, lands of, 191, 342.  
 Garmilton-Alexander, lands of, 191, 342.  
 Garmilton, Easter, 342.  
 Garmilton (Garlston), 193, 342.  
 Garmilton, Middle, 342.  
 Garvaldgrange, 318, 320.  
 Garvald Kirklands, 318.  
 Gazette, The London, 466.  
 Geddes, lands of, 413.  
 Geddes Mekil, lands of, 413.  
 Geneva, 210.  
 Germany, 249, 343, 614.  
 Ghent, 249, 370.  
 Gladsmuir, 23, 456.  
 Glasgow, 29, 52, 115, 145, 184, 203, 218, 301, 324, 456, 520.  
 Glasgow Barony, 115.  
 Glasgow Cathedral, 145.  
 Glasgow University Museum, 166.  
 Glasgow Assembly, 184, 185.  
 Glenalmond, Trinity College, 578.  
 Glenmuick, lands of, 378, 382, 383, 393, 394, 396.  
 Glentanar, lands of, 378, 382, 383, 393, 394, 396.  
 Glorat, lands of, 401.  
 Gloucester frigate, 203.  
 Gogar in Edinburghshire, 95.  
 Gometra, 490, 493.  
 Gonyr, lands of, 588.  
 Gordon, 374, 376, 377, 379, 384, 406, 427, 429, 430, 574.  
 Gordon Castle, 313.  
 Gordon Rental, 22.  
 Gordon, Lordship of, 383, 395, 415, 428.  
 Gordon, barony of, 566, 569, 570, 571, 577.  
 Gordon, Easter, 407.  
 Gordon, Wester, 407, 432.  
 Gordon Wester, church of, 419.  
 Gowrie Conspiracy, 399, 429.  
 Graden, 501, 507, 509, 511.  
 Grange Estate, 610.  
 Grange House, 610.  
 Great Britain, 179, 517, 611.  
 Great Michael, The, 123.  
 Greece, K.G.C. of the Order of the Redeemer, 560.  
 Green County, 527.  
 Greendykes, lands of, 139, 178, 207, 329.  
 Greenwich, Treaty of, 133, 135.  
 Greigfoot, lands of, 500.  
 Greyfriar's Churchyard, 429, 507, 508, 510, 515, 519, 522.  
 Guelphic Order, 540.  
 Guinea, 270.  
 Gullane, 585.  
 Gurpoorbah, Falls of, 481.  
 Haddington, 48, 58, 142, 162, 276, 286, 319, 339.  
 Haddington, East Mill of, 94.  
 Haddington Chapel of Franciscan Friars, 106, 136.  
 Haddingtonshire, 282, 318, 328.  
 Haddington, Monastery of, 318.  
 Haddington, Constabulary of, 329.  
 Haddington, Presbytery Records of, 22.  
 Haddonrig, 6, 133.  
 Hague, The, 557.

- Hailes, Lordship and barony of, 191,  
 336, 337, 340, 357.  
 Hailyards, property of, 281.  
 Halidon Hill, 92, 102, 394.  
 Halsington, 94.  
 Hamburg, 457, 483.  
 Hamilton, 8, 150.  
 Hampton Court, 332, 460.  
 Harlaw, 6.  
 Hartshead in Berwickshire, 95, 134,  
 182.  
 Hartsyde, Nether, lands of, 116.  
 Harwich, 606.  
 Hawick, 217.  
 Hay, house, 225.  
 Haystoun, lands of, 232, 237, 245.  
 Herald's College, 622, 624.  
 Highlands the, 7, 197, 215, 302,  
 560.  
 Highlands, Western, 126.  
 Hillbray, lands of, 603.  
 Hiltly, 510, 581.  
 Hinderwell, land in, 75.  
 Hirdmanston, 99.  
 Hodeida, 477, 478.  
 Hodelmia (Hoddam), 77, 79, 83.  
 Holland, States of, 11, 311, 451,  
 522.  
 Holland, 163, 193, 203, 262, 332,  
 334, 517.  
 Holy Land, 71.  
 Holy Wars, 103.  
 Holyrood, 175, 183, 194, 469, 494.  
 Holyrood House, 421, 565.  
 Holyrood Abbey, 63.  
 Holyrood, Chapel Royal at, 295.  
 Homildon Hill, 5, 104, 105, 108,  
 374, 375.  
 Hooly Onore, 479.  
 Hopetoun House, 499.  
 Hudson River, 527.  
 Hull, 325.  
 Huntingdon, 4.  
 Huntingdon, Honour of, 38.  
 Huntlie, Chantry, 415.  
 Huntly, Earldom of, 5, 384, 390.  
 Huntly, Lordship of, 22, 377.  
 Huntly, 388, 389, 406, 428.  
 Huntlynows, 432.  
 Huntlywood, lands of, 415.  
 Igatpuri, 538.  
 Inchaffray, Abbey, 52.  
 Inchcolm, Monastery, 291.  
 India, 254, 272, 353, 457, 458,  
 466, 474, 477, 480, 481, 483,  
 486, 487, 533, 536, 537, 539,  
 544, 548, 550, 552, 556, 558,  
 563, 568, 570, 578, 613.  
 India, "Empress of".  
 Indian Mutiny, 614.  
 Indigo Factory, 535.  
 Inglewode, Forrest, 76.  
 Inner Temple, 257.  
 Ireland, 5, 88, 94, 245, 276,  
 283, 324, 523, 623.  
 Irvine, Capitulation of, 69.  
 Isle of Wight, 333.  
 Isles, the, 86, 390.  
 Italy, 100, 126, 331, 560.  
 Jacob's Tower, 190.  
 Jedburgh, 66.  
 Jedburgh Forest, 4, 73.  
 Jeddah, 481.  
 Jericho, 305.  
 Jerusalem, St. John of, Order of,  
 93, Grand Master, 94.  
 Jerusalem, St. John Hospital, 94.  
 Jerusalem, 101, 103.  
 Joinville, 146, 277, 289.  
 Jowaki Expedition, 613.  
 Jutland, Battle of, 569.

- Kaniguram, 563.  
 Keith lands, 384.  
 Kelso, 217, 285.  
 Kelso Abbey, 419.  
 Kelso Monastery, 255.  
 Kennoway, parish of, 259.  
 Kennoway, estate of, 259.  
 Kennoway, House at, 265.  
 Kensal Green, 542.  
 Kepdarroch, 417.  
 Kethe College, Oxford, 494.  
 Kettle, parish, 259.  
 Kildrummie, 83.  
 Killiecrankie, 9, 313.  
 Killochis, John house, 243.  
 Kilmaccolm, lands of, 316.  
 Kilsaurle, barony of, 384, 386, 395, 406, 572.  
 Kilsyth, battle of, 264.  
 Kilwinning, Abbey of, 323.  
 Kilwinning, 326.  
 Kincardine, Sherifffdom of, 393.  
 Kinedword, barony of, 384.  
 Kingask, lands of, 232.  
 Kinghorn, 5, 66, 73, 74, 89, 96, 97, 99.  
 King's College, Aberdeen, 329.  
 Kingston, Viscounty of, 3, 10.  
 Kingston, lands of, 331, 336.  
 Kinloch moor, 63.  
 Kinloss, Abbey of, 52.  
 Kirmundie, barony of, 386, 395, 411, 572.  
 Kippilaw, Estate of, 254, 255, 256.  
 Kirkaldie, Burgh of, 242, 519.  
 Kirkcudbright, Stewartry of, 317.  
 Kirkliston, lands in, 137.  
 Kirkliston, church lands at, 165.  
 Kitchener Hospital, 564, 568.  
 Kurram Valley, 563.  
 Kylesmure, Estate of, 316.  
 La Fleche, Jesuit College at, 331.  
 Lambynby, 76.  
 Lanark, 67, 201.  
 Lancashire, 218, 625.  
 Lancaster, 454.  
 Landisfern, lands, 237.  
 Lanerk. Nether (Perthshire), 417.  
 Langeais, estate of, 361.  
 Langholm, 218.  
 Langside, 8, 150, 151, 159, 166, 167, 170, 369.  
 Las Palmas, 625.  
 Lasswade, lands in, 137.  
 Lathrisk, Wester and Easter, 247, 250.  
 Lathrisk, parish of, 259, 261.  
 Lauder, Bridge of, 119.  
 Lauderdale, Lordship of, 409.  
 Lawdifferone, lands of, 232.  
 Leamington, 622.  
 Learnie, 352.  
 Leckie, Wester, lands of, 419.  
 Leckie House, 456.  
 Leghorn, 476.  
 Leith, 145, 146, 187, 220, 303, 332.  
 Lellok, manor and lands of, 232.  
 Lesmahagow, Church of St. Mahute of, 44.  
 Leuchard, estate of, 506.  
 Leuchland, lands, 236.  
 Leyden, 517.  
 Liege, battle of, 360, 441.  
 Lillisleaf (Lillisolive) Roxburghshire, 44.  
 Lindores, Abbey of, 63, 71.  
 Linlithgow, 455, 509, 519, 530.  
 Linlithgowshire, 201, 205, 497, 500, 512.

- Lirland, 249.  
 Loch Doon, Castle, 81.  
 Lochhouse, 510.  
 Lochleven, Castle, 7, 149, 150, 153, 169, 234.  
 Lochmaben, Castle of, 69, 217.  
 Logie, parish of, 421.  
 Logie, Montrose, 241.  
 London, 100, 151, 186, 203, 215, 219, 221, 222, 226, 267, 282, 285, 287, 293, 303, 307, 308, 332, 344, 415, 440, 454, 464, 473, 474, 476, 525, 540, 542, 545, 552, 558, 606, 608, 614, 620.  
 London, Tower of, 381.  
 London University, 559, 560, 563.  
 Longniddry, (Lanquetheric), lands in, 110, 116, 120, 123, 124, 178, 226, 228, 329.  
 Longniddry, teinds of, 163.  
 Lothian, 33, 38, 40, 42, 44, 49, 99, 132, 141, 260, 507.  
 Lothian, Crown lands in, 39.  
 Lothian, East, 60, 64, 86, 87, 133, 189, 205, 207.  
 Lothian, West, 45, 195.  
 Lothian, Lawland of, 73.  
 Louvre, The, 367.  
 Low Countries, 8, 153, 155, 204, 319, 517.  
 Lowlands, 359.  
 Lowmonds, East and West, 242, 244.  
 Macnabston, 81.  
 Madras, 544.  
 Madrid, 346.  
 Magus Muir, 265.  
 Makkerstoun, 49.  
 Malacca, 480.  
 Malplaquet, 368.  
 Malta, 558.  
 Manerstoun, lands of, 191, 499.  
 Manor Place, Edinburgh, 532.  
 Marches, The, 33, 104.  
 Markinch, parish of, 259, 270.  
 Marlborough House, 540.  
 Marston Moor, 8, 324.  
 Martinique, 523.  
 Masonic Lodge in Rome, 224.  
 Massowa, 477.  
 Maule's Tomb, 507, 508, 510, 515, 519, 522.  
 Meldrum, Estates of, 587, 588, 589, 593, 599, 600, 604, 617.  
 Mellerstain, lands of, 407, 427, 430, 432.  
 Melrose, Abbey of, 64, 71, 146, 161, 316.  
 Melrose, 225, 446.  
 Menin, 369.  
 Merse the, 427.  
 Mesopotamia, 269.  
 Methil, (Fife), 250.  
 Methven, 4, 81, 87.  
 Midhope, lands of, 191.  
 Midhope, Tower, 191.  
 Midhope, burn of, 497.  
 Midmar, parish of, 352.  
 Milan, 122, 350, 363.  
 Milles (Myles), Lordship, 95.  
 Milles, lands of, 109, 124, 139, 178.  
 Milton Hill, 272.  
 "Minden" H.M.S., 548.  
 Minorca, 620.  
 Mirrilees, lands of, 191, 500.  
 Mitau, camp at, 262.  
 Mocha, 477, 478.  
 Moffat, 217.  
 Mohammedrah, 615.  
 Monkmylne, 349.  
 Monkshill, Aberdeenshire, 621.  
 Montpellier, 367.  
 Montreal, 523.



- Montrose, Jail, 10, 250.  
 Moray, Ecclesiastical Court of, 387.  
 Morpeth, 33.  
 Mortoun, lands of, 500.  
 Mounie (Pitmounie) Estate of, 592.  
     594, 617, 618, 620, 622, 624,  
     625.  
 Mount Abu, 563.  
 Mudros, 558.  
 Murray's South Tomb, 508.  
 Muskat, 478.  
 Musselburgh, 129.  
 Musselburgh, Regality of, 292.  
 Mylton, lands of, 139.  
 "Myrmidon" H.M.S., 548.  
  
 Naini Tal, 569, 578.  
 Meidhope, lands of, 500.  
 Neidpath Castle, 392.  
 Netherlands, The, 152, 153, 155,  
     441.  
 Newark, 187.  
 Newark on Trent, 195.  
 Newburn, 324.  
 Newcastle, 83, 85, 96, 114, 186,  
     230, 308, 309, 344.  
 Newgate, 440.  
 New York, 527.  
 Niddrie, Castle of, 8, 126, 149,  
     150, 161, 164, 166, 173.  
 Niddrie West, lands of, 21, 136,  
     137, 142, 182, 195, 205.  
 Niddrie, town of, 45, 95.  
 Niddrie, barony of, 499.  
 Norham, 66, 127.  
 Normandy, 358.  
 North, The, 185, 195, 215, 332,  
     390, 604.  
 Northamptonshire, 26, 40, 42, 49,  
     65, 75.  
 Northampton, Earldom of, 38.  
 Northampton, Treaty of, 89.  
  
 Northbank, 509, 511, 514, 515,  
     517.  
 North Berwick, 254, 379.  
 Northumbria, 32.  
 Northumberland, 27, 33, 92, 127,  
     230.  
 Northumberland, Earldom of, 33,  
     38, 44.  
 Norway, 68, 114.  
 Nottingham, Treaty of, 119, 390.  
 Nova Scotia, Badge of, 530.  
 Nova Scotia, Baronetcies of, 577,  
     607.  
  
 Old Meldrum, 619.  
 Oliphant's Close, Edinburgh, 609.  
 Olivercastle, 392.  
 Olivestob, (Holliestob), 178,  
     328.  
 Orchardtown, Barony of, 607.  
 Order of the Wasa, 583, 586.  
 Orkney, 66.  
 Otterburn, 103, 104, 374.  
 Oudenarde, 249, 370.  
 Oxford, 494, 580, 614.  
  
 Padua, University, 270, 340.  
 Pagu, 614.  
 Paisley, 166.  
 Paisley Abbey, 166.  
 Palestine, 103.  
 Panbride, lands of, 383.  
 Parbroath (Pitbroad) 232, 236,  
     237, 241, 244, 245, 246.  
 Paris, 107, 118, 120, 146, 155,  
     157, 158, 159, 164, 170, 235,  
     295, 314, 332, 333, 334, 347,  
     363, 483, 542, 545, 596.  
 Paroram Bhow's Camp, 479.  
 Patna, 486.  
 Pavilion, The, 225.  
 Pease, Pass of, 136.

- Peeblesshire, 201, 397.  
 Peebles, 318, 392.  
 Pembroke College, 494.  
 Penang, 272, 480, 486.  
 Pencaitland, 189.  
 Pencaitland, parish of, 322.  
 Penicuik jewels, 560.  
 Peninsula, Campaign, 539, 612.  
 Pentland Rising, 201.  
 Pentland Hills, 265.  
 Persian Gulf, 550, 615.  
 Perth, 66, 70, 116, 145, 166, 175,  
     187, 272, 322, 377, 381, 382, 421,  
     440.  
 Perth, High Street of, 181.  
 Perth, Pacification of, 166, 593.  
 Perthshire, 123, 328.  
 Philiphaugh, 9, 195, 606.  
 Philpstoun, lands of, 191, 498,  
     499, 510.  
 Pinkie, 6, 133, 136, 217, 235, 240,  
     251, 289, 292, 305, 306, 311,  
     312, 313, 359.  
 Pinkie House, 303, 312.  
 Pitmadden, lands of, 602, 604, 607,  
     608, 611, 615.  
 Pitmounie,  
     see Mounie.  
 Plean, lands of, 401, 414.  
 Pluscarden, Priory of, 161, 289,  
     294, 295, 296.  
 Pluscarden, Estate of, 289, 290, 294,  
     297, 305.  
 Pontefract, 381.  
 Poona, 478, 554.  
 Portobello, 614.  
 Port Seton, 204, 226.  
 Portsmouth, 287.  
 Powderhall, property of, 255.  
 Prague, 360, 560.  
 Preston, 187, 196, 218, 219, 285,  
     325, 333, 347, 519, 582, 583.  
 Preston House, 585.  
 Preston, Churchlands of, 498.  
 Prestonpans, 177, 178, 328, 511.  
 Prestonpans, battle of, 328, 454,  
     455, 473.  
 Pyrenees, the, 612.  
 Quebec, 527.  
 Queensferry, 21, 530.  
 Queensferry South, 506.  
 Queensland, 569.  
 Rajputana, 563.  
 Ramsayforthir, lands of, 237.  
 Randasso, Cape, 346.  
 Red Sea, 477, 479, 480.  
 Reidhall, estate of, 426, 448,  
     506.  
 Reidishill, lands of, 136.  
 Rheims, 170.  
 Rhine, The, 319.  
 Riccarton, 510.  
 Rollington, lands of, 357.  
 Rome, 114, 223, 224, 229, 235,  
     295, 300, 347, 476.  
 Rome, Jesuit College at, 294,  
     296.  
 Rome, Jacobite Court at, 472.  
 Rome, Masonic Lodge, 224.  
 Ross, Earldom of, 380, 411.  
 Rothienorman, 625.  
 Rothnock, lands of, 592.  
 Rotterdam, 514.  
 Roxburgh, 83, 90.  
 Roxburgh, Barony of, 109.  
 Roxburgh, Siege of, 114.  
 Roxburghshire, 501.  
 Royal Naval College, Portsmouth,  
     548.  
 "Royal William", H.M.S., 548.  
 Ruchelaw (Richelkellach) lands of,  
     60, 62, 64, 71.

- Rullion Green, 9, 201, 265.  
 Rumeldrie, estate of, 259, 260, 272.  
 Rungavie or Rungallie, 235, 272.  
 Russia, 558.  
 Rutherglen, 150.  
 Ruthven, Raid of, 157, 158, 421, 424, 505.  
 Ruthven, Castle of, 384.  
 Rutlandshire, 42, 75, 625.  
 Ryhill, 514.
- St. Andrews, 28, 76, 118, 145, 156, 195, 278.  
 St. Andrews Castle, 151.  
 St. Andrews, Diocese of, 400.  
 St. Andrews, University of, 236, 357, 583.  
 St. Andrews, Consistorial Court of, 416.  
 St. Bartholomew's Hospital, 563.  
 St. Brigid, church of (Dalgety), 291.  
 St. Cyr, Military School, 580.  
 St. Germain's, lands of, 177, 314, 322, 329.  
 St. Giles, 145, 195.  
 St. Helens, 257.  
 St. James' Palace, 467.  
 St. John's Church, Edinburgh, 532.  
 St. Katherine, tomb of, 100.  
 St. Mahute, Church of, Lesmahagow, 44.  
 St. Ninian, Church of, 430, 444, 449, 458, 494.  
 St. Paul's Church Register, 455.  
 St. Paul's Cross, London, 415.  
 St. Petersburg, 457.  
 St. Pierre aux Dames, Abbey of, 170.  
 Salamanca, 266.  
 Sandhurst, Royal Military College, 579, 580.
- Sanquhar, Estate of (Morayshire), 354.  
 Sauchieburn, 6, 119, 390, 400, 409.  
 Saughton, mill and stauk of, 63.  
 Scone, 52, 66, 67, 70, 90, 188, 197, 334.  
 Scotland, 4, 5, 7, 8, 25, 26, 27, 31, 32, 33, 36, 38, 39, 42, 43, 44, 56, 65, 66, 67, 84, 89, 93, 94, 103, 104, 107, 108, 120, 127, 130, 131, 132, 135, 141, 142, 144, 145, 146, 148, 152, 154, 155, 158, 160, 162, 167, 168, 173, 179, 183, 184, 186, 187, 190, 196, 197, 198, 199, 200, 201, 203, 204, 212, 214, 216, 217, 218, 219, 225, 226, 242, 261, 276, 277, 280, 293, 295, 299, 300, 301, 308, 309, 313, 318, 319, 324, 325, 332, 333, 338, 347, 352, 358, 359, 360, 361, 366, 367, 368, 373, 378, 379, 380, 381, 391, 465, 474, 476, 507, 530, 546, 560, 562, 571, 574, 577, 580, 582, 583, 591, 608.  
 Sootland, North of, 382.  
 Scotland, Church of, 176.  
 Scotstoun, Easter and Wester, lands of, 191, 500.  
 Scroggarfield, lands of, 232, 237, 245.  
 Seringapatam, 478, 479, 481.  
 Service Book, 184.  
 Seton, (Seytune, Seetun), 18, 19, 20, 23, 39, 40, 42, 43, 45, 47, 49, 54, 65, 75, 76, 78, 95, 99, 100, 108, 113, 123, 124, 134, 135, 136, 142, 160, 178, 179, 182, 186, 187, 195, 198, 213, 217, 219, 220, 221, 225, 226, 227, 228, 284, 312, 335, 338, 347.

- Seton, Palace, 7, 123, 147, 148,  
 149, 156, 157, 160, 161, 162,  
 163, 169, 174, 177, 179, 183,  
 186, 188, 189, 190, 211, 227,  
 228, 331, 334, 347, 445.  
 Seton, pit of, 19, 20, 143.  
 Seton, town of, 20, 22.  
 Seton in Cumbria, 38, 39, 40.  
 Seton, Barony of, 93, 173, 182,  
 260, 345.  
 Seton House, 105, 126, 227.  
 Seton Templar, lands of, 129.  
 Seton Village, 206.  
 Seton, Church in, 49, 86, 106, 109,  
 117, 136, 166, 189, 206, 220,  
 280, 319, 330, 348.  
 Seton, Church Collegiate at, 121,  
 126, 129.  
 Seton Church Queir, 128.  
 Seton Chapel, 178, 220, 546, 561,  
 562.  
 Seton Aisle in Church, 210.  
 Seton's Close, Edinburgh, 609.  
 Seton Library, 562.  
 Shahabad, 534.  
 Sheffield, 141, 152, 170.  
 Sheriffmuir, 10.  
 Sheriffmuir, Battle of, 192, 218,  
 445, 454.  
 Shrewsbury, 108.  
 Sicily, 346.  
 Siena, St. Catherine de, Convent of,  
 122, 129, 136.  
 Simla, 564, 568, 569, 578, 579.  
 Simon's Bay, 623.  
 Sinai, Mount, 100.  
 Skioch, lands of, 454, 456, 457.  
 Sofia, 579.  
 Soissons, County of, 107.  
 Solway, 23.  
 Solway Moss, 133, 134, 135.  
 Solway, Raid of, 117, 418, 590.  
 Sorn, 165.  
 South Queensferry, 95.  
 Southwick, lands of, in Galloway,  
 38.  
 Spain, 8, 152, 155, 158, 278,  
 279, 331.  
 Spenslands, Templar lands of,  
 129.  
 Spott House, 532.  
 Staffa, 490, 493.  
 Stirling, 47, 60, 87, 113, 114,  
 146, 155, 173, 175, 260, 289,  
 411, 414, 421, 426, 433, 440,  
 454, 456.  
 Stirling Bridge, 68.  
 Stirling, Sheriffdom of, 393,  
 401, 402, 412, 413, 435, 493,  
 494, 505, 529.  
 Stockholm, 582, 583, 584, 586.  
 Stormberg, 554.  
 Stracathro, Churchyard, 67.  
 Stralsund, 360, 366.  
 Strathardolf, Church of, 48.  
 Strathbogie, 22, 373, 377, 378,  
 383, 385, 388, 395, 574.  
 Stratholyde, 32.  
 Strathmiglo, vicarage of, 248,  
 249.  
 Suez, 478, 480.  
 Suffolk coast, 154.  
 Surinam, 523.  
 Sussex, 192.  
 Sutherland, Earldom of, 396.  
 Sweden, 581, 583, 584, 586.  
 Sydney, 558.  
 Tantallon, Castle, 9, 333, 334.  
 Tay, River, 238, 248.  
 Teviotdale, 133.  
 Tibbers Castle, 84.  
 Tirhoot, 533, 535, 537, 538.  
 Tochi Valley, field force, 563.



- Tordarrach, lands of, 500.  
 Torquay, 584.  
 Torsoppy, 247.  
 Touch, lands and barony of, 392,  
     393, 395, 396, 397, 399, 407,  
     408, 412, 413, 416, 420, 422,  
     423, 429, 439, 442, 445, 448,  
     455, 456, 457, 458, 462, 463,  
     464, 467, 470, 471, 473, 474,  
     475, 482, 484, 485, 487, 488,  
     490, 491, 492, 493, 494, 495,  
     505, 506, 524, 567.  
 Touch-Adam, lands of, 400, 408.  
 Tulch-Frisell (Touch-Fraser), 392,  
     393, 394, 396, 406, 411, 412, 423,  
     430, 431, 433, 436, 461.  
 Touch-Mailler, lands of, 400, 408,  
     410, 416, 419, 429, 430, 433,  
     437, 448, 453.  
 Touch-Seton (Touch-Fraser), 436,  
     439, 449, 453, 459, 461, 470.  
 Tower, The, 104, 221, 222, 223, 230,  
     308, 507.  
 Tower Hamlets, 544.  
 Tranent, lands in, 21, 58, 60, 62,  
     63, 108, 113, 120, 125, 134, 135,  
     136, 138, 140, 150, 178, 182,  
     189, 194, 196, 207, 227.  
 Tranent Barony, 95, 139, 329.  
 Tranent, pit at, 106, 226, 228.  
 Tranent, market in, 176.  
 Tranent parish, 193, 205, 322, 348.  
 Tranent, church of, 332.  
 Transvaal, 557.  
 Tullybody, lands of, 24, 408, 411,  
     415, 416, 428, 572.  
 Tullybody barony, 384, 386, 395,  
     396, 398, 399, 416, 423.  
 Tullybody Nether, lands of, 410.  
 Tullybody, Brig of, 425.  
 Tunis, 477.  
 Turin, 475.  
 Tweed, the, 127, 324, 502.  
 Tweeddale, shire of, 311.  
 Ulva, 490, 491.  
 United States, 233.  
 University College, London, 558,  
     559, 560, 563.  
 Unthank, 76, 80.  
 Uperagy, lands of, 136, 182.  
 Urquhart, Estir, lands of, 237.  
 Urquhart, Loppie, 232, 237.  
 Urquhart Nether, 238.  
 Urquhart, Middle, 232, 237.  
 Urquhart, Estates, 244, 245, 289,  
     290.  
 Urquhart barony, 285, 290, 296,  
     311.  
 Urquhart Priory, 290, 296.  
 Urquhart Lordship, 313.  
 Utrecht, 261, 368, 369, 517.  
 Vatican, The, 559.  
 Vatican, The, Library, 573.  
 Verneuil, 14, 101, 107, 111, 113,  
     360, 361, 364, 380, 394, 397.  
 Versailles, 229, 347.  
 Virginia, 228, 244.  
 Wales, 67.  
 Wallace's Tower, 190.  
 Wana, Camp at, 563.  
 Warrington, 187, 333.  
 Wasa, Order of the, 583, 586.  
 Waterloo, 369, 539.  
 Waziristan, 563.  
 Wemyss, charter chest, 204.  
 West Indies, 271, 287.  
 Wester Craigie, Lordship of, 95.  
 West Kers, 425, 448.  
 Westminster, 197.  
 Westmorland, 27, 36.  
 Whitehall, 300.

Whitimes (Whittuns), lands of, 44.  
 Whittinghame, house of, 211, 335,  
     338.  
 Whittinghame Estate, 336, 337, 340.  
 Whittinghame Church, 335, 337.  
 Wigan, 187, 333.  
 Wigtonshire, 317.  
 Winchester, Earldom, 30, 58, 63.  
 Winchelburgh, (Winchburgh), 18, 19,  
     20, 23, 39, 43, 47, 49, 108, 120,  
     125, 126, 134, 142, 182, 195,  
     205.  
 Winchelburgh, Dominical lands of, 118.  
 Winchelburgh, barony of, 136, 499.  
 Winchelburgh, arable lands of, 191,  
     499.  
 Windigoul, lands of, 178, 193, 348.  
 Wintune, 18, 19, 20, 23, 39, 42,  
     43, 47, 49, 54, 57, 58, 100,  
     116, 124, 134, 137, 142, 173,  
     178, 180, 182, 187, 189, 205,  
     211, 212, 224, 226, 260, 265,  
     347.  
 Wintune, House of, 121.  
 Wintune, Castle, 183, 228.  
 Wintune, Earldom of, 3, 10, 58, 63,  
     175, 182, 213, 222, 224, 231,  
     327, 337, 338, 347.  
 Wintune, Lordship of, 180.  
 Woodhouselee, Estate of, 352, 353,  
     355, 356.  
 Wooler, 33.  
 Woolwich, 557.  
 Worcester, 197, 309.  
 Worcester, Battle of, 9, 334.  
 Workington, Estate of, 37.  
  
 Yarmouth, 203.  
 Yemen, The, 478.  
 Yester, 136.  
 Yorkshire, 4, 27, 38, 40, 42, 74,  
     75, 76, 77, 80, 83, 263, 507.











